IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

	)
IN RE:	)
	)
PRISONER ELECTRONIC FILING PROGRAM	)

GENERAL ORDER:

Whereas this Court's civil docket has for many years and continues to consist of a substantial number of lawsuits in which inmates of the Indiana Department of Correction ("DOC") are litigants; and

Whereas the advent of certain technology permits the more efficient and cost-effective utilization of the measures set forth below, for the benefit of the individual litigants, the DOC and the Court; and

Whereas the Court has determined to implement these measures and to give notice of the procedures which are approved to implement what is referred to as the Prisoner Electronic Filing Program ("E-Filing Program"); and

Whereas the E-Filing Program will provide a prompt, reliable, convenient and cost-effective means of both filing documents with the Clerk's Office and providing service of documents issued by the Court on inmates.

IT IS NOW THEREFORE ORDERED that the E-Filing Program shall operate in the following fashion until further directed by the Court:

1. Participants in the E-Filing Program shall consist of the Clerk's Office of this Court; the facilities operated by the DOC as identified in Exhibit A to this Order; and the inmates who are or who seek to be parties to litigation filed in this Court and who are also confined at the facilities identified in Exhibit A to this Order. The Court anticipates that the Prisoner E-Filing Program will expand to include additional DOC facilities in the future.

Accordingly, Exhibit A may be amended informally from time to time to reflect that expansion without formal amendment of this General Order.

2. DOC Library staff ("Library staff") will scan inmate documents and pleadings and transmit them to the Court via e-mail, consistent with procedures prescribed by the Clerk of Court.

3. Upon receipt of scanned images of documents, Court staff will review documents and follow the procedures prescribed by the Clerk of Court for docketing or other appropriate treatment. Documents that are filed in the Case Management Electronic Case Filing ("CM/ECF") system will generate a Notice of Electronic Filing ("NEF"). For any document that is not a complaint (which requires service of process), the NEF generated by the Court's CM/ECF system constitutes the official service upon and notice to the other parties, if counsel for the other parties are registered users of the Court's CM/ECF system. If any parties to a case are not registered CM/ECF users, the Clerk of Court will mail a copy of the inmate's E-Filed documents to each non-registered party on behalf of the inmate, via the U.S. Postal Service.

4. Once a preliminary review of a new case filing has been conducted by the Court, upon issuance of an Entry or Order directing service the Clerk of Court will produce the necessary copies of the complaint to accomplish service of process upon the defendant(s). United States Marshal Service Form 285 and Summonses need not be tendered with a complaint.

5. Each participating correctional facility will establish an e-mail address at which Library staff will receive the NEF which is generated when a document has been filed electronically. An NEF contains a hyperlink for a free download of the E-Filed document.

6. Upon receipt of an NEF confirming that a document transmitted by Library staff has been filed by the Clerk, the Library staff will provide a copy of the NEF to the inmate and follow other procedures as prescribed by the Clerk of Court.

7. Library Staff will mail original paper documents to the Clerk of Court on at least a weekly basis until the Clerk of Court notifies the participating DOC facilities that it is no longer necessary to do so. Original documents should be mailed to: U.S. District Court Clerk's Office, 46 East Ohio Street, Room 105, Indianapolis, Indiana 46204. Upon receipt of such documents, the Clerk's Office will perform quality control. The originals of the documents will be retained by the Clerk for a period of up to 90 days.

8. Inmate participants shall execute a written consent to receipt by the Library Staff of the inmate's copy of documents issued by the Court, via the E-Filing Program. The consent shall be executed for each new case in which the inmate seeks to make a filing, and shall be in the form appended to this Order as Exhibit B. Library Staff will transmit the form to the Court via the E-Filing procedures already described. The Court will provide blank forms as needed to Library Staff.

9. Inmates who have consented to receive copies of documents issued by the Court via the E-Filing Program will receive via the institutional mail a printed copy of any ruling or notice issued by the Court in the case and the NEF.

10. The E-Filing Program does not affect the obligation of other parties to serve copies of documents in accordance with the *Federal Rules of Civil Procedure.* It is the responsibility of defendants and non-inmate parties, not the Library Staff, to mail to the inmate, via the U.S. Postal Service, copies of any documents filed with the Court, whether filed electronically, on paper, or in other format.

11. If adequate funding is available, the Court may provide and deliver digital senders to correctional facilities participating in the E-Filing Program. Equipment supplied by the Court will at all times remain property of the Court (and bear a property tag reflecting the ownership), and the DOC will execute an appropriate property receipt provided by the Court.

12. Inmates who have cases pending in the Southern District of Indiana must notify the Court immediately of any change of address *(i.e.,* upon transfer or release). If at any time an inmate leaves a participating facility, the individual's participation in the E-Filing Program will terminate and all parties and the Court will return to the traditional method of filing and serving case documents (through the U.S. Mail). The inmate will continue to be sent case documents via the E-Filing Program until the inmate notifies the court of a change of address. Upon transfer to another correctional facility participating in the E-Filing Program, participation in the Program can resume upon execution and submission of a new consent form.

All of which is done in Evansville, Indiana, this 26th day of June, 2014.

For the Court,

RICHARD L. YOUNG, Chief Judge
United States District Court

Exhibit A

Facilities Participating in the Prisoner E-Filing Program

Wabash Valley Correctional Facility - Effective June 5, 2013

Westville Correctional Facility - Effective May 1, 2014

Pendleton Correctional Facility - Effective July 2, 2014

Exhibit B

Consent to Receipt of Documents Through Prisoner Electronic Filing Program

I am participating in the United States District Court for the Northern and Southern Districts of Indiana Prisoner Electronic Filing Program ("E-Filing Program").

When the Court issues an Order, Entry, or other document, a Notice of Electronic Filing is automatically generated and sent to Library staff. In order to receive copies of documents issued by the Court more quickly, I consent pursuant to Fed.R.Civ.P. 5(b)(2)(F) to be served with documents issued by the Court via the E-Filing Program. By consenting to participate I will receive via the institutional mail a printed copy of any ruling or notice issued by the Court in the case and a copy of the Notice of Electronic Filing.

This consent is valid as long as I reside at my current correctional facility. A new consent form will need to be signed if I am transferred and the new facility participates in the E-Filing Program. I acknowledge that it is my obligation to notify the Court of any change in my address.

Name: _____ Date: _____

DOC Number: _____

Address: _____

_____

_____

Case filed in:

Northern District of Indiana: ____

Southern District of Indiana: ____

Case Number (if pending at time of consent): _____