



UNITED STATES DISTRICT COURT

Southern District of Indiana

Roger A. G. Sharpe, Clerk
Alison M. Chestovich, Chief Deputy Clerk

Birch Bayh Federal Building
& U.S. Courthouse
46 East Ohio Street, Room 105
Indianapolis, IN 46204
(317) 229-3700

104 U.S. Courthouse
921 Ohio Street
Terre Haute, IN 47807
(812) 231-1840

304 U. S. Courthouse
101 NW Martin Luther King Blvd.
Evansville, IN 47708
(812) 434-6410

Lee H. Hamilton Federal Building
& U.S. Courthouse
121 West Spring Street
New Albany, IN 47150
(812) 542-4510

September 23, 2024

NOTICE

TO: THE PUBLIC AND MEMBERS OF THE PRACTICING BAR FOR THE SOUTHERN DISTRICT OF INDIANA

Pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 57 of the Federal Rules of Criminal Procedure, the United States District Court for the Southern District of Indiana hereby gives public notice of the following:

The Local Rules Advisory Committee for the Southern District of Indiana has recommended, and the District Court has authorized release for a period of **public comment through October 18, 2024**, the revision of certain Local Rules of the United States District Court for the Southern District of Indiana. Unless otherwise indicated, as seen in this Notice **redline** text is added and ~~struck~~ text is deleted. The proposed revisions are as follows:

A. Local Rule 5-2 - Filing of Documents - shall be **amended** as follows:

(a) Electronic Filing. Electronic filing of documents is generally required pursuant to Fed. R. Civ. P. 5(d)(3)(A).

(b) Documents Exempt from Electronic Filing. Any document that is exempt from electronic filing must be filed directly with the clerk and served on other parties in the case as required by those Federal Rules of Civil Procedure and these rules that apply to the service of non-electronic documents. Only the following documents are exempt from the electronic filing requirement of Fed. R. Civ. P. 5(d)(3)(A):

(1) documents filed by *pro se* litigants;

(2) exhibits in a format that **does** not readily permit electronic filing (such as video recordings, audio recordings, and large maps and charts);

- (3) documents that are illegible when scanned into PDF format;
 - (4) documents filed in cases not maintained on the ECF system;
- and
- (5) any other documents that the court or these rules specifically allow to be filed directly with the clerk.

(c) Format for Video, Audio, and Similar Media Files. Video, audio, and similar files must be presented in MP4, WMV, MOV, or AVI format. In addition to case filings, this subsection applies to files submitted directly to chambers on the instruction of the judge.

(d) Case Initiating Documents. The initial pleading and accompanying documents, including the complaint and issuance of the summons, may be filed either in paper form or electronically through the court's ECF system. Case initiating documents must be served in the traditional manner on paper. All subsequent documents must be filed electronically except as provided in these rules or as ordered by the court.

(e) Document Filing by Non-Exempt Party. When a party who is not exempt from the electronic filing requirement files a document or media file directly with the clerk, the party must:

- (1) electronically file a notice of manual filing that explains why the document or media file cannot be filed electronically;
- (2) present the document or media file to the clerk within 1 business day after filing the notice of manual filing; and
- (3) present the clerk with a copy of the notice of manual filing when the party files the document or media file with the clerk.

Note: Amended July 1, 2022, to specify audio and video file formats the court can accept. Amended July 1, 2024, to specify that the file formats also apply to files submitted directly to chambers.

B. Local Criminal Rule 49-1 - Filing of Documents - shall be amended as follows:

(a) Electronic Filing. Electronic filing of documents is generally required pursuant to Fed. R. Crim. P. 49(b)(3)(A).

(b) Documents Exempt from Electronic Filing. Any document that is exempt from electronic filing must be filed with the clerk and

served on other parties in the case as required by Fed. R. Crim. P. 49(a)(4) and Fed. R. Crim. P. 49(b) as they relate to the service of non-electronic documents. Original documents consisting of more than one page must be fastened by paperclip or binder clip and may not be stapled. Copies for service on other parties must be stapled in the top left corner. Only the following documents are exempt from the electronic filing requirements of Fed. R. Crim. P. 49(b)(3):

- (1) any case initiating document resulting in the assignment of a criminal or magistrate judge case number and/or any charging instrument, initiating or superseding, and accompanying documents;
- (2) documents requiring the oath or affirmation of a law enforcement officer in the presence of a judge or magistrate judge;
- (3) documents filed in open court;
- (4) documents filed by *pro se* defendants;
- (5) exhibits in a format that **does** not readily permit electronic filing (such as videos and large maps and charts);
- (6) documents that are illegible when scanned into PDF format;
- (7) documents filed in cases not maintained on the ECF system; and
- (8) any other documents that the court or these rules specifically allow to be filed directly with the clerk.

(c) Format for Video, Audio, and Similar Media Files. Video, audio, and similar files must be presented in MP4, WMV, MOV, or AVI format. In addition to case filings, this subsection applies to files submitted directly to chambers on the instruction of the judge.

(d) Documents Requiring Hand Signatures. Waivers, plea agreements and other documents that require a defendant's signature or the signature of a person other than an attorney of record must be signed by hand and scanned into PDF format for electronic filing, pursuant to Local Rule 5-7(b).

(e) Document Filing by Non-Exempt Party. When a party who is not exempt from the electronic filing requirement files a document or media file directly with the clerk, the party must:

(1) electronically file a notice of manual filing that explains why the document or media file cannot be filed electronically;

(2) present the document or media file to the clerk within 1 business day after filing the notice of manual filing; and

(3) present the clerk with a copy of the notice of manual filing when the party files the document or media file with the clerk.

Note: Amended July 1, 2023, to reflect the proper title for magistrate judges. Amended December 1, 2024, to specify the acceptable file formats for certain media files, and to require a notice of manual filing for documents filed pursuant to subsection (e).

Comments concerning the proposed rule amendments are welcome. Comments must be submitted in writing or via email on or before **October 18, 2024**, and should be sent to:

Clerk of Court
United States District Court
Birch Bayh Federal Building and U.S. Courthouse
46 East Ohio Street, Room 105
Indianapolis, IN 46204
or via email: LocalRules@insd.uscourts.gov