



UNITED STATES DISTRICT COURT

Southern District of Indiana

Kristine L. Seufert, 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

June 18, 2025

NOTICE

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

The Court has considered the recommendation of the Local Rules Advisory Committee that the revision of certain Local Rules of the United States District Court for the Southern District of Indiana be adopted, and the Clerk issued a Public Notice on May 9, 2025, regarding the proposed amendments. The Court has considered the proposed amendments and the comments received.

Therefore, 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 that the following amendments to the Local Rules of this Court are adopted, effective July 1, 2025. Unless otherwise indicated, as seen in this Notice **redline** text is added and struck text is deleted. The amendments are as follows:

A. Local Rule 5-1 – Format of Documents Present for Filing – is amended as follows:

(a) **Filing.** A document or item submitted in relation to a matter within the court's jurisdiction is deemed filed upon delivery to the office of the clerk in a manner prescribed by these rules or the Federal Rules of Civil Procedure ~~or authorized by the court,~~ **a General Order of the Court, or other Court Order.** Any submission directed to a Judge or Judge's staff, the office of the clerk or any employee thereof, in a manner, **such as email**, that is not contemplated by this rule and without prior court authorization is prohibited.

(b) **General.** Any pleading, motion, brief, affidavit, notice, or proposed order filed with the court, whether electronically or with the clerk, must:

- be plainly typewritten, printed, or prepared by a clearly legible copying process;
- have at least 1-inch margins;
- use at least 12-point type in the body of the document and at least 10-point type in footnotes;
- be double spaced (except for headings, footnotes, and quoted material);
- have consecutively numbered pages;
- include a title on the first page;
- if it has four or more exhibits, include a separate index that identifies and briefly describes each exhibit;
- if it is a form of order, include a statement of service, in the format required by S.D. Ind. L.R. 5-5(d) in the lower left corner of the document; and
- in the case of pleadings, motions, legal briefs, and notices, include the name, complete address, telephone number, facsimile number (where available), and e-mail address (where available) of the *pro se* litigant or attorney who files it.

(c) Electronic Filings. Any document submitted ~~electronically via the court's electronic case filing (ECF) system~~ must be:

- in PDF format;
- converted to a PDF file directly from a word processing program, unless it exists only in paper format (in which case it may be scanned to create a PDF document); and
- submitted as one or more PDF files that do not exceed 35 megabytes each. ~~(consistent with the CM/ECF Policies and Procedures Manual); and~~
- ~~otherwise prepared and filed in a manner consistent with the CM/ECF Policies and Procedures Manual.~~

(1) Filings submitted via the court's electronic case filing ("ECF") system must comply with the *CM/ECF Policies and Procedures Manual*.

(2) Filings submitted via the court's Web Portal must comply with the General Order addressing the Web Portal.

- (3) Filings submitted by litigants incarcerated by the Indiana Department of Correction through the court's Prisoner Electronic Filing Program must comply with the General Order addressing that program.

(d) Paper Filings.

Any document filed on paper must:

- be on good-quality, 8.5" x 11" white paper;
- be single-sided;
- not be stapled; and
- include the original signature of the *pro se* litigant or attorney who files it.

~~(e) Email Filings. Email filings may be accepted only in specific accordance with General Orders of the Court.~~ **(e) State Court Criminal Records Filed in Habeas Actions.** All original state court criminal records filed in habeas actions must be filed electronically, with the exception of exhibit volumes and confidential records which may be filed manually.

B. Local Rule 5-2 – Filing of Documents - is amended as follows:

(a) Electronic Filing. Electronic filing of documents ~~in the court's electronic case filing ("ECF") system~~ 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 ~~in ECF~~ 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~~ ECF filing requirement of Fed. R. Civ. P. 5(d)(3)(A):

- (1) documents filed by *pro se* litigants ~~either on paper or through the Court's Web Portal as established by General Order;~~
- (2) exhibits in formats that do not readily permit electronic filing (such as video recordings, audio recordings, ~~and~~ large maps and charts, spreadsheets, and other digital files that exceed 35MB if converted to PDF and cannot meaningfully be divided into multiple PDFs);
- (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. Absent leave of the court, ~~V~~video, audio, and similar files must be presented in MP4, WMV, MOV, AVI, WAV, MP3, HEVC, or WMA format. Additional file types may be accepted when presented with an accompanying court order. 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 case 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 the reasons 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; ~~and~~
- (4) if the party is filing a media file in a format not listed in subsection (c), present the clerk with a court order.

C. New Proposed Local Rule 5-13 – Patent/Trademark/Copyright Reports – will state as follows:

Any party filing a pleading, complaint, or counterclaim that raises for the first time a claim arising under the patent and trademark or copyright laws of the United States must file with the pleading, complaint, or counterclaim a separate notice to the clerk, as follows:

(a) For patent or trademark claims, a completed AO120 form ("Report on the Filing or Determination of an Action Regarding a Patent or Trademark") to assist the clerk's compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116; or

(b) For copyright claims, a completed AO121 form ("Report on the Filing or Determination of an Action Regarding a Copyright") to assist the clerk's compliance with 17 U.S.C. § 508.

D. The Comments for Local Rule 56-1 – Summary Judgment Procedure – is amended as follows:

The 2002 revision completely replaces the former rule. It is designed to reduce the length of briefs related to motions for summary judgment, particularly the statement of undisputed material facts. In some cases, the statement of undisputed material facts has grown to an unmanageable level for the courts and for the parties. The parties have included facts which are not material to the legal issues to be resolved by summary judgment. Including the statement of undisputed material facts in the ~~35~~-page limit for initial briefs established by S.D. Ind. L. R. 7.1(b) will require the parties to discipline their presentation.

Note to subdivision (a). This provision sets forth the general requirements for all briefs to be submitted by the parties. It requires that the movant's brief contain a "Statement of Material Facts Not in Dispute." Emphasis is made that "material" facts are ones which are potentially determinative (former Rule 56.1(h)). The Statement should not contain mere background facts which a party feels puts the case in perspective – that can be done in an introduction or background section of the brief. Further, the Statement of asserted material facts is to state facts, not the party's argument which should be in the argument portion of the brief. Asserted material facts must be supported by specific citations to the admissible evidence in the record, which requires that any material not already in the Court's file be contained in an appendix. Although the strict formatting requirements of former Rule 56.1(h) are eliminated, separately numbering the facts is recommended for presentation clarity.

Note to subdivision (b). The specific rules for the non-movant's response are contained in this section. The brief shall contain a "Statement of Material Facts in Dispute" identifying: (1) the material facts which preclude summary judgment and/or (2) disputed material facts which do so. Like movant's Statement, the non-movant's Statement should not contain mere background facts or be argumentative.

Note to subdivision (d). A non-moving party may file a surreply brief in two limited circumstances. It is permitted only when: (1) the moving party submits in its reply brief evidence not previously cited; or (2) the moving party objects in its Reply to the admissibility of evidence cited by the non-movant.

Note to subdivision (e). This provision sets forth the effect of facts asserted. If supported by cited admissible evidence, a party's asserted material facts will be assumed admitted unless the opposing party submits admissible evidence of a genuine issue of material fact, demonstrates that the movant's assertions are not supported by admissible evidence or, through argument, shows that reasonable inferences can be drawn from admissible facts which preclude summary judgment. Obviously, the parties may, and are encouraged to, stipulate to undisputed material facts. Any such fact stipulations may be for purposes of the summary judgment motion only. The Court will not search the record to find admissible evidence to support an asserted material fact.

Note to subdivision (f). Motion practice about the admissibility of evidence cited in support of asserted material facts is strongly discouraged. Challenges to the evidence belong in the parties' briefs.

Cross Motions. If the parties anticipate cross-motions for summary judgment, the briefing schedule and format should be addressed in the case management plan. Effective July 1, 2024, Local Rule 7-1(e) was amended to reduce page limits. Local Rule 7-1(e) continues to govern page limits for all motions, including motions for summary judgment. Accordingly, the 2002 Comment to this Rule is amended to delete reference to a specific page limit.

E. Local Rule 87 – Representation of Indigent Litigants – is amended
as follows:

* * *

(a) Recruitment of Counsel. If the court determines that a litigant is unable to afford representation, the court may recruit counsel to represent an indigent litigant using the Voluntary Panel or the Obligatory Panel.

* * *

(3) Frequency of Recruitment. No attorney will be obligated to represent an indigent litigant more than once during a calendar year, except as provided in Local Rule 87(d), nor will an attorney be recruited to represent an indigent litigant sooner than twelve months after the conclusion of the attorney's most recent service as recruited counsel. ~~Any recruited counsel who spends more than 100 hours in the course of representation under this rule may move for an exemption from the Obligatory Panel for an additional period of time. Any such motion must be filed within 30 days of the conclusion of the representation.~~

* * *

(d) Withdrawal of Representation. After the filing of the Order of Recruitment in a case, recruited counsel may file a motion to withdraw pursuant to Local Rule 83-7 only on the following grounds, or on such other grounds as the assigned judge finds adequate for good cause shown:

(1) a conflict of interest precludes counsel from accepting the responsibilities of representing the litigant in the action; or

(2) in counsel's opinion, he or she is not competent to represent the litigant in the particular type of action assigned; or

(3) because of the temporary burden of other professional commitments involved in the practice of law, counsel lacks the time necessary to represent the litigant; or

(4) some personal incompatibility or a substantial disagreement on litigation strategy exists between counsel and the litigant; or

(5) in counsel's opinion the litigant is proceeding for purpose of harassment, or the litigant's claims or defenses are not warranted under existing law and cannot be supported by good faith argument for extension, modification, or reversal of existing law; or

(6) relief from recruitment is warranted due to ~~recent~~ substantial prior assistance to the court as recruited counsel.

Any motion by recruited counsel for relief from an Order of Recruitment on any of the grounds set forth in this section must be made to the assigned judge promptly after recruited counsel becomes aware of the existence of such grounds, or within such additional period as may be permitted by the assigned judge for good cause shown.

* * *

F. Local Criminal Rule 49-1 – Filing of Documents - is amended as follows:

(a) **Electronic Filing.** Electronic filing of documents in the court's electronic case filing ("ECF") system 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 in ECF 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-ECF~~ 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 formats that do not readily permit electronic filing (such as videos recordings, audio recordings, ~~–and~~ large maps and charts, spreadsheets, and other digital files that exceed 35MB if converted to PDF and cannot meaningfully be divided into multiple PDFs);

(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.** Absent leave of the court, vVideo, audio, and similar files must be presented in MP4, WMV, MOV, AVI, WAV, MP3, HEVC, or WMA format. Additional file types may be accepted when presented with an accompanying court order. 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 case 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 case 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 the reasons 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; ~~and~~

(4) If the party is filing a media file in a format not listed in subsection (c), present the clerk with a court order.

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).

G. Appendix A is amended as follows:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

_____)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
_____)	
)	
Defendant.)	

**NOTICE REGARDING RIGHT TO RESPOND TO AND SUBMIT
EVIDENCE IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT**

[Moving party(ies)] has/have filed a motion seeking summary judgment. This means that the [moving party(ies)] seek(s) to have some part or all of this lawsuit decided against you without a trial. This motion is based on the evidence presented in the affidavits and documents attached to or referenced in the motion for summary judgment or based on the argument that you are unable to offer admissible evidence in support of your claim.

You have the right to file a response to the motion. Each of the facts stated in the "Statement of Material Facts Not in Dispute" which accompanies the motion for summary judgment will be accepted by the court as being true unless you submit your own affidavits or other admissible evidence disputing those facts. Your response may also dispute the admissibility of the evidence relied on in support of the motion for summary judgment. *However, a failure to properly respond will be the same as failing to present*

any evidence in your favor at a trial.

You must file and serve a copy of your response to the motion for summary judgment by [date certain equal to 28 days after service of the motion, plus 3 days if served by mail] or by other such date ordered by the court. If you need more time to respond, you must file a motion with the court asking for more time before the deadline expires. The court may, but is not required to, give you more time.

Your response must also comply with all other portions of Federal Rule of Civil Procedure 56, and with Local Rules 5-1 and 56-1, copies of which are attached. Please note that for these rules you are considered a "party," the "non-moving party" and/or the "non-movant."

[Insert Federal Rule of Civil Procedure 56]

[Insert Local Rule 56-1]

~~Like other documents filed with the court, your response must comply with Southern District of Indiana Local Rule 5-1, which provides:~~

~~[Insert Local Rule 5-1]~~

~~**(a) Filing.** A document or item submitted in relation to a matter within the court's jurisdiction is deemed filed upon delivery to the office of the clerk in a manner prescribed by these rules or the Federal Rules of Civil Procedure or authorized by the court. Any submission directed to a Judge or Judge's staff, the office of the clerk or any employee thereof, in a manner that is not contemplated by this rule and without prior court authorization is prohibited.~~

~~**(b) General.** Any pleading, motion, brief, affidavit, notice, or proposed order filed with the court, whether electronically or with the clerk, must:~~

- ~~• be plainly typewritten, printed, or prepared by a clearly legible copying process;~~
- ~~• have at least 1-inch margins;~~
- ~~• use at least 12-point type in the body of the document and at least 10-point type in footnotes;~~
- ~~• be double-spaced (except for headings, footnotes, and quoted material);~~

- ~~have consecutively numbered pages;~~
- ~~include a title on the first page;~~
- ~~if it has four or more exhibits, include a separate index that identifies and briefly describes each exhibit;~~
- ~~if it is a form of order, include a statement of service, in the format required by S.D. Ind. L.R. 5-5(d) in the lower left corner of the document; and~~
- ~~in the case of pleadings, motions, legal briefs, and notices, include the name, complete address, telephone number, facsimile number (where available), and e-mail address (where available) of the *pro se* litigant or attorney who files it.~~

~~(c) **Electronic Filings.** Any document submitted via the court's electronic case-filing (ECF) system must be:~~

- ~~in PDF format;~~
- ~~converted to a PDF file directly from a word processing program, unless it exists only in paper format (in which case it may be scanned to create a PDF document);~~
- ~~submitted as one or more PDF files that do not exceed 35 megabytes each (consistent with the *CM/ECF Policies and Procedures Manual*); and~~
- ~~otherwise prepared and filed in a manner consistent with the *CM/ECF Policies and Procedures Manual*.~~

~~(d) **Paper Filings.**~~

~~Any document filed on paper must:~~

- ~~be on good quality, 8.5" x 11" white paper;~~
- ~~be single-sided;~~
- ~~not be stapled; and~~
- ~~include the original signature of the *pro se* litigant or attorney who files it.~~

~~(e) **Email Filings.** Email filings may be accepted only in specific accordance with General Orders of the Court.~~

