

UNITED STATES DISTRICT  
COURT SOUTHERN DISTRICT OF  
INDIANA

IN THE MATTER OF: )  
EMAIL SUBMISSION OF DOCUMENTS )  
TO CLERK'S OFFICE AND COURT STAFF )

## GENERAL ORDER

This order supersedes and replaces all prior orders of this Court on this subject.

This General Order is entered to clarify the methods by which the Court will accept case filings and similar materials that seek Court action, and to specify that documents will not be accepted for filing if transmitted by email.

The Local Rules of the United States District Court for the Southern District of Indiana govern, among other things, the submission of documents and other items to the Court for filing. As relevant to this Order, the Rules provide, “[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.” S.D. Ind. L.R. 5-1. “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.”

The Local Rules require electronic filing via the Court’s Electronic Case Filing (“ECF”) system unless an exemption applies. *See* S.D. Ind. L.R. 5-2, 5-3. Attorneys must

petition for such an exemption, but self-represented (“pro se”) litigants are automatically exempt from ECF filing. Their documents “must be filed directly with the clerk,” in paper form, either by mail or in person at the Clerk’s Office, and they may file electronically “only if allowed by court order or local rule.” *See* S.D. Ind. L.R. 5-2(a), 5-2(b)(1), 5-3(e); Fed. R. Civ. P. 5(d)(3)(B). This Court may permit a pro se litigant to file via the Court’s ECF system upon separate and specific order of the Court. A pro se litigant seeking permission to file via the Court’s ECF system must file a motion with the Court requesting authorization to do so. Neither attorneys nor pro se litigants may utilize any other form of electronic filing, including email transmission. By this Order, the Clerk is directed to reject any documents submitted for filing by e-mail by any person.

While Fed. R. Civ. P. 5(d)(4) provides, “[t]he clerk must not refuse to file a paper **solely** because it is not in the form prescribed by these rules or by a local rule or practice,” (emphasis added), the Clerk is not ordered to reject documents transmitted by e-mail **solely** because of form. Independent of the fact that email is not a permitted method of delivery under the Federal and Local Rules, email messaging and email attachments from unknown sources pose potential security risks to the Court’s information technology infrastructure. In addition, Court staff may not be able to readily discern whether a document submitted by email is intended to constitute a “filing” or other case-related document or item. Filing mistakes have real consequences for parties – for example, filing fees may be incurred – and cause unnecessary delay and drain on judicial resources. Even if the party intends the submitted document to be treated as a

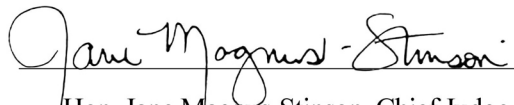
filing, existing rules and Court procedures do not provide guidance regarding timeliness of an emailed submission, inviting unnecessary litigation on a matter collateral to the underlying case. In sum, given the alternatives available, allowing email submission of case-related documents for filing presents unnecessary risks and burdens to the Court, litigants, and the effective administration of justice in this District.

Accordingly, IT IS HEREBY ORDERED that the Clerk reject any document submitted for filing by email. Attorneys must utilize the Court's ECF system unless exempted pursuant to the Local Rules. Pro se litigants must deliver documents on paper to the Clerk in person, by mail, or electronically via the Court's ECF system if permitted to do so by specific Court order.

SO ORDERED.

*All of which is done at Indianapolis, Indiana, this 5th day of July, 2019.*

For the Court,

A handwritten signature in black ink, reading "Jane Magnus-Stinson". The signature is written in a cursive, flowing style. The first name "Jane" is written with a large, looped capital "J". The last name "Stinson" is written with a large, looped capital "S".

Hon. Jane Magnus-Stinson, Chief Judge  
United States District Court  
Southern District of Indiana