

Local Criminal Rule 49-1 – Filing of Documents

(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 formats that do 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, AVI, WAV, MP3, HEVC, or WMA 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 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.

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).