

United States District Court
Central District of California
Amended Local Criminal Rules effective June 1, 2012

L.Cr.R. 49-1 Serving and Filing Documents.

L.Cr.R. 49-1.1. Mandatory Electronic Filing in Criminal Cases.

Except as provided in L.Cr.R. 49-1.2, all documents filed in criminal cases shall be filed electronically using the Court's CM/ECF System. Sending a document by e-mail does not constitute an electronic filing.

L.Cr.R. 49-1.1.1. Authorization of Electronic Filing. The Clerk will accept, from any filer not exempted under L.Cr.R. 49-1.2(a)(1), documents filed, signed, or verified by electronic means in compliance with this Local Rule. Any such document constitutes a written document for the purposes of applying these Local Rules and the Federal Rules of Criminal Procedure.

L.Cr.R. 49-1.1.2. Applicability of Other Rules. Except as otherwise ordered in accordance with applicable statutes and rules, all Federal Rules of Criminal Procedure and Local Criminal Rules shall continue to apply to criminal cases that are subject to electronic filing.

L.Cr.R. 49-1.1.3. Definitions. The definitions set forth in Local Rule 5-4.1.3 shall apply to this Local Criminal Rule 49-1 and to any cross-reference to Local Rule 5-4 contained in this Local Rule.

L.Cr.R. 49-1.2. Exceptions to Electronic Filing in Criminal Cases. Documents exempted from electronic filing pursuant to one of the subsections listed below shall be presented to the Clerk for filing or lodging in paper format, and shall comply with the requirements of L.R. 11 and all other applicable Local and Federal Rules.

(a) ***Exemptions for Particular Filers.*** The following filers are exempt from the requirement to file documents electronically:

(1) ***Pro Se Litigants.*** Unless otherwise ordered by the Court, pro se litigants shall continue to present all documents to the Clerk for filing in paper format. Documents received by the Clerk from pro se litigants

under this rule will be scanned by the Clerk into the CM/ECF System. Once scanned, the original paper documents will be destroyed.

(2) *Other Exceptional Cases Involving*

Unregistered Filers. For good cause shown, the Court may grant an exemption from the obligation to file electronically to a filer who is not registered with the Court's CM/ECF. Any such exemption shall not exceed one calendar year, but may be renewed upon good cause shown. If any filer granted such an exemption thereafter registers for the Court's CM/ECF System, that registration shall abrogate any exemption granted under this rule. Documents received by the Clerk under this rule will be scanned by the Clerk into the CM/ECF System. Once scanned, the original paper documents will be destroyed.

(b) *Documents Excluded from Electronic Filing.* The following documents are excluded from the electronic filing requirement of Local Criminal Rule 49-1.1:

(1) *Non-paper or Other Unusual Exhibits.*

Non-paper physical exhibits, or paper exhibits the size of which makes it impracticable for them to be scanned into PDF format, shall be filed or lodged with the Clerk in paper or physical format, in accordance with L.R. 11-5.

(2) *Criminal Case-Initiating Documents.*

Complaints, indictments, informations, and other case-initiating documents in criminal cases ("Criminal Case-Initiating Documents") shall be filed with the Clerk in paper format rather than electronically, in accordance with the applicable Federal Rules of Criminal Procedure and the Local Criminal Rules of this Court. All Criminal Case-Initiating Documents shall be submitted to the division of the Court to which the case is assigned. All Criminal Case-Initiating Documents shall also be submitted in electronic form (PDF format only) by close of business the following business day. Submission of these documents must be made by e-mail to the criminal intake e-mail box for the division to which the case is assigned. The intake e-mail box address for each division is indicated on the Court's CM/ECF Website. Attorneys who fail to timely e-mail PDF copies of these documents shall be subject to such sanctions as may be imposed by the Court.

(3) *Under-Seal and In-Camera Documents, and Other Documents Excluded from the Public Case File.* Applications and proposed orders to seal or file in camera, along with the document for which protection is

sought, and any documents for which under-seal or in-camera filing is authorized by statute, rule, or prior court order shall be filed in accordance with L.R. 79-5 (unless subject to L.Cr.R. 49-1.2(b)(4)). Other documents excluded from the public case file pursuant to L.Cr.R. 49.1-2 shall not be filed electronically, but shall be filed, if appropriate, as otherwise provided in the Local Rules of this Court, and in accordance with the Federal Rules of Civil and Criminal Procedure.

(4) *Criminal Duty Matters.* The following documents filed in criminal duty matters, before a case is assigned to a district judge, shall be filed with the Clerk in paper format rather than electronically:

(a) Applications for Pen Registers, Search Warrants, Seizure Warrants, Arrest Warrants, Wire Taps, Cell Site Information, Tracking Services, and other such precharging documents;

(b) Bond-Related Documents; and

(c) Under-Seal and In-Camera Documents.

(5) *Other Exceptions.* For good cause shown, the Court may permit a particular document or exhibit to be filed or lodged in paper format, rather than electronically. If permission to file or lodge a document or exhibit in paper format is obtained, the document or exhibit shall be filed or lodged in compliance with L.R. 11-5. Unless the filer is exempted from electronic filing pursuant to Local Criminal Rule 49-1.2(a), the filer shall first file electronically a Notice of Manual Filing or Lodging describing the document or exhibit being filed or lodged in paper format, and present a copy of the Notice of Manual Filing or Lodging, together with its NEF (*see* L.R. 5-3.3), with the document to be filed or lodged.

L.Cr.R. 49-1.3. General Applicability of Civil Electronic Filing Rules; Exceptions and Supplemental Rules for Criminal Cases.

L.Cr.R. 49-1.3.1. General Applicability of Civil Electronic Filing Rules. Except as provided in Local Criminal Rule 49-1.3.2, any electronically filed document shall comply with the provisions of Local Civil Rule 5-4.3, 5-4.4, 5-4.5, and 5-4.6. All CM/ECF Users shall comply with Local Civil Rule 5-4.8.

L.Cr.R. 49-1.3.2. Special Rules for Criminal Cases.

(a) *Redaction.* It is the responsibility of the filer to ensure full compliance with the redaction requirements of Federal Rule of Criminal Procedure 49.1 and L.Cr.R. 49.1-1.

(b) *Service.* Where service is required by the Federal Rules of Criminal Procedure, service shall be accomplished as set forth in Local Civil Rule 5-3.

(c) *Proposed Orders.* An electronically lodged proposed order shall comply with the requirements of Local Civil Rule 5-4.4, except that, for criminal cases, the subject line of the e-mail transmitting the word-processing version of the proposed order required by Local Civil Rule 5-4.4.2 shall include the defendant's last name and initial of first name as the filer (e.g., for Los Angeles: LA08CR00123-6-ABC-Doe J; for Santa Ana: SA08CR00124-8-DEF-Smith A; for Riverside: ED08CR00125-10-GHI-Jones B).

L.Cr.R. 49.1-1. Redaction. It is the responsibility of the filer to ensure full compliance with the redaction requirements of Federal Rule of Criminal Procedure 49.1. In addition, the filer shall ensure that any document that contains a home address shall include only the city and state. This restriction on including full home addresses shall not apply to a filing exempted by Federal Rule of Criminal Procedure 49.1(b); to an under-seal filing as set forth in Federal Rule of Criminal Procedure 49.1(d), (f), or (g); or where the protection of Federal Rule of Criminal Procedure 49.1(h) has been waived with respect to that home address.

Parties shall carefully examine the documents, exhibits, or attachments to be filed with the Court in order to protect any sensitive and private information. The responsibility for redacting or placing under seal protected personal data identifiers rests solely with counsel and the parties. The Clerk will not review any pleadings or documents for compliance.

Counsel and the parties are cautioned that failure to redact or place under seal protected personal data identifiers may subject them to the full disciplinary power of the Court. If a redacted version of the document is filed, counsel shall maintain possession of the unredacted document pending further order of the Court or resolution of the action (including the appeal, if any) and shall, at the

request of opposing counsel or parties, provide a copy of the complete document.

L.Cr.R. 49.1-2. Exceptions. The documents listed below are not to be included in the public case file, and are therefore excluded from the redaction requirements of F.R.Crim.P. 49.1 and L.R. 49.1-1:

(1) Unexecuted summonses or warrants, supporting applications, and affidavits;

(2) Pretrial bail reports;

(3) Presentence investigation reports;

(4) Statements of reasons in the judgment of conviction;

(5) Juvenile records;

(6) Documents containing identifying information about jurors or potential jurors;

(7) Financial affidavits filed in seeking representation pursuant to the Criminal Justice Act;

(8) Ex parte requests for authorization of investigative, expert, or other services pursuant to the Criminal Justice Act; and

(9) Sealed documents.

L.Cr.R. 57-2 Duties and Functions of Magistrate Judges. United States Magistrate Judges of this Court are authorized to perform all of the duties and functions prescribed and authorized by 28 U.S.C. § 636, or any other statutes or Federal Rules of Procedure which authorize Magistrate Judges to perform judicial duties or functions, as set forth in General Order No. 05-07, or any successor General Order. Magistrate Judges shall have the inherent power of judicial officers to implement and enforce their own orders and to regulate proceedings before them, to the extent permitted by law.

L.Cr.R. 57-3 Settlement of Complex Cases.

L.Cr.R. 57-3.2 Definition. A “complex case” is a criminal case as defined in General Order No. 08-05 or any successor General Order.