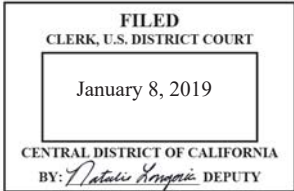


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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF } GENERAL ORDER NO. 19-01  
CRIMINAL DUTY MATTERS } (Supersedes General Order No. 17-02)  
ELECTRONIC FILING PILOT }  
PROJECT }

The Local Rules for the Central District of California provide that, subject to certain exceptions, all documents filed in civil and criminal cases must be filed electronically using the Court’s Case Management/Electronic Case Filing (“CM/ECF”) System. L.R. 5-4.1, L.Cr.R. 49-1.1. One of the exceptions is for documents filed in “criminal duty matters,” which must be presented to the Clerk for filing in paper format. L.Cr.R. 49-1.2(b)(4). Having determined that it would benefit the Court, the bar, and the public to allow electronic filing of documents in criminal duty matters, the Court hereby expands the pilot project known as the Criminal Duty Matters Electronic Filing Pilot Project (“Pilot Project”) and established by General Order 17-02.

The expansion of the Pilot Project will be effective thirty days after this General Order is filed, at which time General Order 17-02 will be superseded. Beginning on that date, documents in certain types of criminal duty matters, identified below in Section I, must be filed electronically notwithstanding Local Rule 49-1.2(b)(4). It is anticipated that electronic filing will be expanded to additional criminal duty matters in the future by either General Order or Local Rule of this Court.

**I. CRIMINAL DUTY MATTERS DESIGNATED FOR PILOT PROJECT**

In general, “criminal duty” encompasses all requests for court action regarding criminal matters that either are not filed as part of any docketed criminal case or are submitted before the filing of an indictment or information. In the Central District, many such matters have been referred to the magistrate judges of this Court by General Order 05-07. For purposes of this General Order, criminal duty matters referred to magistrate judges by General Order 05-07 will be referred to as “Magistrate Judge Criminal Duty Matters.”<sup>1</sup> This General Order creates an exception to Local Criminal Rule 49-1.2(b)(4) for all Magistrate Judge Criminal Duty Matters filed by the United States Attorney’s Office (“USAO”) except complaints and other charging documents, Affidavits re: Out-of-District Arrest Warrant filed under Federal Rule of Criminal Procedure 5(c)(3), documents filed concurrently with such charging documents or affidavits, and all Central Violations Bureau (“CVB”) matters. Those types of criminal duty matters as well as those subject to review by a United States District Judge remain subject to Local Criminal Rule 49-1.2(b)(4) and, if filed with the Court, must be presented to the Clerk for filing in paper format.

**II. PROCEDURES FOR FILING DOCUMENTS ELECTRONICALLY UNDER THE PILOT PROJECT**

The provisions that follow govern electronic filing under the Pilot Project. Filers should also refer to the “Criminal Duty Matters Electronic Filing Pilot Project User Manual,” available on the Court’s website, for more details and step-by-step instructions.

**A. Participating Filers**

The CM/ECF events needed to file documents electronically under this General

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<sup>1</sup> See Appendix A to this General Order for a non-exhaustive list of common criminal duty matters that fall within General Order 05-07’s referral to the magistrate judges of this district and a list of common criminal duty matters that fall outside the scope of that referral.

1 Order will not be accessible to most users of CM/ECF. The USAO must give at least  
2 one court day's advance notice to the Clerk's Office of the names of CM/ECF users  
3 who may file such documents. They will be identified as "Participating Filers," and  
4 their CM/ECF accounts will be programmed to access Pilot Project events. CM/ECF  
5 users not designated as Participating Filers will not be able to file documents under the  
6 Pilot Project.

7 **B. Commencement of Criminal Duty Matter and Assignment of Case**  
8 **Number**

9 To submit a criminal duty matter for review by a United States Magistrate Judge  
10 under the Pilot Project, a Participating Filer must first open a new criminal duty matter  
11 case in the Court's CM/ECF System. This creates the docket in CM/ECF in which the  
12 relevant documents will be filed. A criminal duty matter case opened electronically in  
13 the CM/ECF System by a Participating Filer will automatically be issued an "MJ" case  
14 number.<sup>2</sup> All criminal duty matter cases opened under the Pilot Project will initially be  
15 given a generic name, such as "U.S. v. Search Warrant." After creating the case  
16 docket and obtaining a case number, the filer must add that case number to the caption  
17 of each document filed in that case.

18 **C. Filing Application**

19 **1. Warrants**

20 To obtain a warrant, the filer must electronically file an "Application for  
21 Warrant" as docket number one (Dkt. No. 1) in the case and lodge the Proposed  
22 Warrant as an attachment to the Application.<sup>3</sup> If the Application requests delayed

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23 <sup>2</sup> Historically, applications for orders under 18 U.S.C. § 2705(a)(1)(B) for non-  
24 disclosure of grand jury or administrative subpoenas, typically captioned "In Re  
25 Subpoena," have been handled by magistrate judges but given a "CM" case number.  
26 From the effective date of this General Order, such matters will be given "MJ"  
27 numbers instead.

28 <sup>3</sup> If the warrant application is submitted concurrently with a complaint, Affidavit  
re: Out-of-District Arrest Warrant, or other charging document, however, the warrant  
application and the complaint/affidavit/charging document should be presented to the

1 notice, a completed AO-95 Information on Application for Delayed Notice Report  
2 form must be attached to the Application. The Application, all attachments to the  
3 Application, and the text of the docket entry will automatically be sealed upon filing  
4 and will remain sealed until after the Warrant, if approved, issued, and executed, is  
5 returned.<sup>4</sup> A separate Application for Leave to File Under Seal is not necessary unless  
6 the filer believes that documents filed in the case should remain under seal after the  
7 executed warrant has been returned; in that event, an Application for Leave to File  
8 Under Seal should be electronically filed as docket number two (Dkt. No. 2) in the  
9 case, with a Proposed Order attached.

10 **2. All Other Criminal Duty Matters Designated for the Pilot**  
11 **Project**

12 For all other types of criminal duty matters designated for the Pilot Project under  
13 Section I, above, file an application detailing the relief sought as docket number one  
14 (Dkt. No. 1) and lodge a Proposed Order as an attachment to the Application. If the  
15 Application requests delayed notice, a completed AO-95 Information on Application  
16 for Delayed Notice must be attached to the Application. The Application, all  
17 attachments to the Application, and the text of the docket entry will automatically be  
18 sealed upon filing and will remain sealed until an order unsealing them is entered.<sup>5</sup> A  
19 separate Application for Leave to File Under Seal is not necessary.

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22 Clerk together for filing in paper format. The complaint/affidavit/charging document  
23 and the warrant application will each be assigned a separate case number but will be  
24 presented together to the appropriate duty magistrate judge.

25 <sup>4</sup> For a brief time immediately after filing the Application and attachments, the  
26 filer may not be able to view the sealed documents. Shortly after the criminal duty  
27 matter is opened, Clerk's Office staff will edit the default settings for the case in  
28 CM/ECF to seal the entire case and to allow the filer to view the case and all sealed  
documents filed therein. Clerk's Office staff will then send an email notifying the filer  
that access to the sealed docket has been provided.

<sup>5</sup> See *supra* note 4.

**D. Notice to Duty Judge**

After filing an Application electronically under Section II.C., the filer must wait to receive notification by email from the Clerk's Office that access has been granted to the sealed docket. After receiving this notification, and not before, the filer must immediately send an email to the chambers-specific criminal duty email address of the appropriate duty magistrate judge (see Appendix B for a list of email addresses), notifying the judge that the Application has been filed and is ready for review. Since individual judges are not assigned to criminal duty matters, the duty judge will not otherwise receive notice that an Application has been filed. If the filer fails to email notice to the duty judge promptly, the Application may not be considered.

The notice email must include the following information: notice that an Application has been filed, the case number, and contact information for the responsible agent and the Assistant United States Attorney ("AUSA") who filed the Application. The subject line of the notice email must begin with the phrase "CRIMINAL DUTY MATTER." If multiple related Applications are filed concurrently (such as when a single Affidavit covers multiple search locations), the notice email should include a list of all such Applications and their associated case numbers. Unless the applicable duty magistrate judge's Procedures and Schedules provide otherwise, it is not necessary to provide copies of any documents in the email notice; all documents will be available to the Court through CM/ECF.

**E. Identifying Appropriate Duty Judge**

For new Applications e-filed between 8:00 a.m. and 4:00 p.m. on regular court days, the notice email must be sent to the magistrate judge on criminal document duty that day. For new Applications e-filed after 4:00 p.m. that do not require emergency attention, the notice email must be sent to the magistrate judge on criminal document duty the next regular court day.

For new Applications e-filed between 4:01 p.m. and 8:00 a.m. the next regular court day that require emergency attention, the filer must provide notice to the after-

1 hours duty magistrate judge immediately, without waiting for the Clerk's Office  
2 review process to be completed.<sup>6</sup> In addition to sending the notice email required by  
3 Section II.D., above, which should be directed to the magistrate judge on after-hours  
4 duty at the time the Application is e-filed, the filer must also follow the current  
5 procedures for all after-hours criminal filings and contact the United States Marshals  
6 Service. Note that the magistrate judge on after-hours duty as of 4:01 p.m. receives  
7 applications that require emergency attention until 8:00 a.m. the following day.

8 For Applications that have already been denied by a previous duty judge and  
9 that are being re-filed with amendments or corrections, the notice email must be sent to  
10 the judge who denied the original Application even if a different judge is on duty the  
11 day the Amended Application is filed, unless the Amended Application requires  
12 emergency attention outside regular court hours.<sup>7</sup> For previously denied Applications  
13 re-filed between 4:01 p.m. and 8:00 a.m. the next regular court day that require  
14 emergency attention, the notice email should be sent to the magistrate judge on after-  
15 hours duty at the time the Application is re-filed, regardless of which judge denied the  
16 original Application.

#### 17 **F. Default Procedures to Obtain Ruling on Application**

18 Filers must check the appropriate duty judge's Procedures and Schedules,  
19 available at [www.cacd.uscourts.gov/judges-schedules-procedures](http://www.cacd.uscourts.gov/judges-schedules-procedures). Many magistrate  
20 judges have posted additional information regarding the handling of electronically  
21 filed criminal duty matters. In general, unless directed otherwise by the duty judge's  
22 Procedures and Schedules or the duty judge's staff, after sending the notification email  
23

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24 <sup>6</sup> The Clerk's Office Intake Window closes at 4:00 p.m. Electronically filing an  
25 application after 4:00 p.m. is the equivalent of bringing an application in to be filed in  
26 paper form after the doors have already closed. At that point, if it is a true emergency,  
27 the current emergency procedures should be followed; if not, it should wait until the  
28 morning of the next regular court day.

<sup>7</sup> If the original judge is unavailable, Clerk's Office staff will forward the notice  
to the duty judge.

1 to the duty judge's chambers-specific criminal duty email address required by Section  
2 II.D., *the filer must wait to be contacted by chambers staff with directions as to when*  
3 *and whether to appear.*

4 **1. For Any Application that Requires a Showing of Probable**  
5 **Cause**

6 In general, the filer of any request that requires a showing of probable cause  
7 should anticipate that the duty judge will want the agent to bring the original and one  
8 copy of the Application and any other e-filed documents (printed from CM/ECF with  
9 the CM/ECF-added document header) directly to the appropriate duty magistrate judge  
10 in person, in accordance with current practice. After notifying the duty magistrate  
11 judge that the Application is ready for review, however, the filer must wait to receive  
12 direction from the duty judge's staff regarding any necessary appearance.

13 **2. For Any Application that Does Not Require a Showing of**  
14 **Probable Cause**

15 In general, the filer of any request that does not require a showing of probable  
16 cause should anticipate that no personal appearance by either the agent or the AUSA  
17 will be necessary. The duty judge will usually rule on the Application based on the  
18 electronically filed documents. The filer will be notified by the duty judge's staff if an  
19 appearance is necessary.

20 **G. Ruling on Application**

21 **1. If Application Granted**

22 **a. For Matters in Which a Personal Appearance Is Made**

23 If the Application is granted, the Proposed Warrant or Order must be finalized,  
24 signed, and filed. Unless otherwise directed by the reviewing judge, the original and  
25 the one paper copy provided by the agent will both be signed and conformed; the  
26 original will be returned to the agent and the copy retained by the Court for docketing.

27 **b. For Other Criminal Duty Matters**

28 If the Application is granted, an order will be filed, and the filer will receive a

1 Notice of Electronic Filing from the Court's CM/ECF System.

## 2 **2. If Application Denied**

3 If the Application is denied, with or without prejudice, a docket entry to that  
4 effect will be entered, and the filer will be notified of the result electronically by  
5 receiving a Notice of Electronic Filing from the Court's CM/ECF System. Denied  
6 Applications will remain under seal. If the Application is denied with instructions by  
7 the reviewing judge to file an Amended Application, the Amended Application should  
8 be filed under the case number of the original Application. When the Amended  
9 Application is e-filed, the notice email required by Section II.D., above, must be sent  
10 to the judge who denied the original Application even if a different judge is on duty the  
11 day the Amended Application is filed, unless the Amended Application requires  
12 emergency attention outside regular court hours.<sup>8</sup> For previously denied Applications  
13 re-filed between 4:01 p.m. and 8:00 a.m. the next regular court day that require  
14 emergency attention, the notice email should be sent to the magistrate judge on after-  
15 hours duty at the time the Application is re-filed, regardless of which judge denied the  
16 original Application.

## 17 **H. Warrant Returns**

18 After the Warrant has been executed, the AUSA must e-file the return under the  
19 same case number. After the return has been filed, the criminal duty matter will be  
20 closed and, unless an Order to Seal the case has been entered, unsealed.

## 21 **I. Extension Requests**

22 A request for an extension of a delayed-notice period, or any other request for  
23 any type of extension, continuance, or postponement, must be e-filed under the same  
24 case number as the Application to which it relates. Any request for an extension of a  
25 delayed-notice period must be accompanied by a completed AO-95 Information on  
26 Application for Delayed Notice Report form. After filing a request for extension, the

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27 <sup>8</sup> If the original judge is unavailable, Clerk's Office staff will forward the notice  
28 to the duty judge.

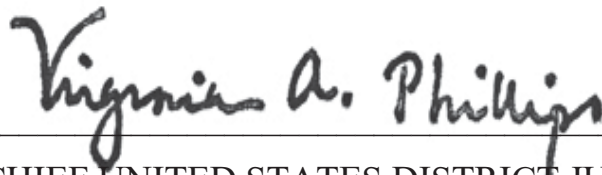


1 filer must immediately send an email to the chambers-specific criminal duty email  
2 address of the magistrate judge on duty at the time of filing the extension request, even  
3 if the request relates to an Application that was granted by a different judge. If the  
4 filer fails to email notice to the duty judge promptly after filing the request for  
5 extension, the request may not be considered.

6 **J. Application of Other Rules**

7 Except as noted with respect to Local Criminal Rule 49-1.2(b)(4), all federal and  
8 local rules continue to apply to documents filed under this General Order.

9  
10 IT IS SO ORDERED.



11  
12 CHIEF UNITED STATES DISTRICT JUDGE

13 *Date of Approval by the Court:* October 24, 2018

14 *Date of Filing by the Clerk:* January 8, 2019

# Appendix A

As defined in this General Order, criminal duty matters include “all requests for court action regarding criminal matters that either are not filed as part of any docketed criminal case or are submitted before the filing of an indictment or information.” All criminal duty matters referred to the magistrate judges of this court by General Order 05-07 except complaints, Affidavits re: Out-of-District Arrest Warrant, and other charging documents, documents filed concurrently with charging documents, and CVB matters must, when filed by the Office of the United States Attorney, be electronically filed. Any criminal duty matters not referred to the magistrate judges of this court by General Order 05-07 are excluded from the scope of this pilot project, must be presented for filing in paper format, and will be reviewed by a district judge. The table below sets forth the most common types of criminal duty matters filed in this district and indicates whether they fall within General Order 05-07’s referral to the magistrate judges of this court. This list is not and cannot be exhaustive; filers of criminal duty matters not identified below should refer to General Order 05-07 to determine whether the matter is one that has been referred to the magistrate judges of this court.

Common Criminal Duty Matters Within GO 05-07’s Referral to the Magistrate Judges of this Court ( <i>some of which fall within the scope of the pilot project - see column to the right</i> )	In pilot?	Common Criminal Duty Matters Outside GO 05-07’s Referral to the Magistrate Judges of this Court ( <i>none of which fall within the scope of the pilot project, and all of which are handled by district judges</i> )
Criminal Complaint	No	Application for an Order Authorizing the Interception of Wire/Electronic/Oral Communications
Affidavit re: Out-of-District Arrest Warrant	No	Application for an Order Authorizing the Continued Interception of Wire/Electronic/Oral Communications
Application for Arrest Warrant or Criminal Summons	Yes*	Application for the Disclosure and Use of Intercepted Wire/Electronic/Oral Communications
Application for Search and/or Seizure Warrant pursuant to either Fed. R. Crim. P. 41 or 18 U.S.C. § 2703 (including delayed-notice and anticipatory warrants) for the search, seizure, or use of (for example): <ul style="list-style-type: none"> <li>• Residence</li> <li>• Business</li> <li>• Vehicle</li> <li>• Parcel/package/container</li> <li>• Cell phone</li> <li>• Computer</li> <li>• Electronic storage media</li> <li>• Email or text message content</li> <li>• Precise location data (e.g., GPS or equivalent)</li> <li>• Cell site/tower data</li> <li>• ESN, MEID, or equivalent</li> <li>• Tracking device</li> <li>• Wireless signal locator (for location or MAC Address)</li> <li>• Cell site simulator</li> <li>• Forfeiture</li> </ul>	Yes*	Fifteen Day Report

\*Unless filed concurrently with Complaint, Affidavit re: Out-of-District Arrest Warrant, or other charging document.

Common Criminal Duty Matters Within GO 05-07's Referral to the Magistrate Judges of this Court ( <i>some of which fall within the scope of the pilot project - see column to the right</i> )	In pilot?
Application for Order pursuant to 18 U.S.C. § 2703(d) for the release of stored wire or electronic communications, subscriber/customer records, or any other information that may be obtained through this procedure (including any of the types of information listed above in circumstances where such information may be obtained with a court order for disclosure rather than a warrant), with or without delayed notice	Yes*
Application for Order Authorizing Pen Register and/or Trap and Trace Device pursuant to 18 U.S.C. § 3121 et seq. (whether for wire or electronic communications) and any related request for subscriber records	Yes*
Application for Order pursuant to 18 U.S.C. § 2705(a)(1)(B) for non-disclosure of grand jury or administrative subpoena	Yes*
Application for Administrative Inspection Warrant	Yes*
Request for Appointment of Counsel for target of criminal investigation filed before the filing of a charging document (non-capital)	Yes**
Request for Appointment of Counsel for witness in criminal investigation filed before the filing of a charging document	Yes**
Application for Writ of Habeas Corpus Ad Prosequendum or Ad Testificandum for a grand jury witness	Yes*
Application to Amend the Grand Jury Partial Report	Yes*
Application to authorize the disclosure of a patient's substance abuse treatment records	Yes*
Application to Appoint Commissioner/Request Assistance from Another Country/Letters Rogatory	Yes*
SUBSEQUENT DOCUMENTS FILED UNDER EXISTING DOCKET NUMBER	
Returns of warrants	Yes
Requests to dismiss	Yes
Requests to seal	Yes*
Requests to postpone notice	Yes*
Requests to extend search	Yes*
Requests to retain digital devices	Yes*
All other requests to extend or continue related to electronically filed criminal duty matter	Yes*

Common Criminal Duty Matters Outside GO 05-07's Referral to the Magistrate Judges of this Court ( <i>none of which fall within the scope of the pilot project, and all of which are handled by district judges</i> )
Application for an Order Sealing Original Tape Recordings or Other Items
Application for Order to Show Cause Why a Grand Jury Witness Should Not Be Held in Contempt
Application for Warrant of Arrest of a Grand Jury Witness Who Fails to Appear Pursuant to a Grand Jury Subpoena
Application for Order Compelling Testimony/Production of Documents of Grand Jury Witness
Application for the Disclosure of Grand Jury Proceedings
Request for Appointment of Counsel for target of criminal investigation filed before the filing of a charging document (capital)
In Camera and Under Seal Lodging Notifying the Court of Disclosure of Matters Occurring Before the Grand Jury
Application for the Postponement of Inventory Information
Application for Order Releasing Inventory Information
Application for Order for the Granting of Use Immunity
Application to Extend for Sixty Days Complaint Due Date Under 18 U.S.C. § 983(a)(3)(A)
Application for the Disclosure of Taxpayer Records
Motion to Quash Grand Jury Subpoena
Request for Suspension of the Statute of Limitations Pursuant to 18 U.S.C. § 3292
Excusal and appointment of grand jurors
Motions to extend term of grand jury
Standing order re appointment of acting foreperson
Grand Jury Empanelment
Request for Leave of Court to Practice on Behalf of the United States of America

\*Unless filed concurrently with Complaint, Affidavit re: Out-of-District Arrest Warrant, or other charging document.

\*\*When filed by the government; requests filed by anyone outside the Office of the United States Attorney must be presented for filing in paper format.

## Appendix B

Listed below are the email addresses to be used when sending notice to the duty magistrate judge that a criminal duty matter has been electronically filed and is ready for review, as required by Section II.D. of this General Order. Please note that these email addresses are for criminal duty matters only and should not be used for any other purpose.

Criminal Duty Email Address	Magistrate Judge
PJW_CrimDuty@cacd.uscourts.gov	Walsh, Patrick J., Chief Magistrate Judge
PLA_CrimDuty@cacd.uscourts.gov	Abrams, Paul L.
MAA_CrimDuty@cacd.uscourts.gov	Audero, Maria A.
JC_CrimDuty@cacd.uscourts.gov	Chooljian, Jacqueline
JDE_CrimDuty@cacd.uscourts.gov	Early, John D.
E_CrimDuty@cacd.uscourts.gov	Eick, Charles F.
EAI_CrimDuty@cacd.uscourts.gov	Infante, Edward
KK_CrimDuty@cacd.uscourts.gov	Kato, Kenly Kiya
SHK_CrimDuty@cacd.uscourts.gov	Kewalramani, Shashi H.
SK_CrimDuty@cacd.uscourts.gov	Kim, Steve
LAL_CrimDuty@cacd.uscourts.gov	LaMothe, Louise A.
AFM_CrimDuty@cacd.uscourts.gov	MacKinnon, Alexander F.
DFM_CrimDuty@cacd.uscourts.gov	McCormick, Douglas F.
JEM_CrimDuty@cacd.uscourts.gov	McDermott, John E.
FFM_CrimDuty@cacd.uscourts.gov	Mumm, Frederick F.
RAO_CrimDuty@cacd.uscourts.gov	Oliver, Rozella A.
SP_CrimDuty@cacd.uscourts.gov	Pym, Sheri
AGR_CrimDuty@cacd.uscourts.gov	Rosenberg, Alicia G.
JPR_CrimDuty@cacd.uscourts.gov	Rosenbluth, Jean P.
AS_CrimDuty@cacd.uscourts.gov	Sagar, Alka
KES_CrimDuty@cacd.uscourts.gov	Scott, Karen E.
SS_CrimDuty@cacd.uscourts.gov	Segal, Suzanne H.
ADS_CrimDuty@cacd.uscourts.gov	Spaeth, Autumn D.
GJS_CrimDuty@cacd.uscourts.gov	Standish, Gail J.
KS_CrimDuty@cacd.uscourts.gov	Stevenson, Karen L.
MRW_CrimDuty@cacd.uscourts.gov	Wilner, Michael R.