

INSTRUCTIONS TO ATTORNEYS
PROCEDURES FOR FILING UNDER SEAL DOCUMENTS IN
CRIMINAL CASES

REQUEST TO SEAL DOCUMENT(S) ONLY, NOT THE APPLICATION AND ORDER

Electronically file the application to seal and/or declaration giving notice or proof of service. During the electronic filing process, attach the proposed order to the application (standard procedure for filing any application with a proposed order).

Proposed orders shall have an alternative signature line in case the application to seal is denied.

After electronically filing the application and proof of service, send an email to the chambers generic email at SRM_Chambers@cacd.uscourts.gov, containing an Adobe PDF version of the application to seal, declaration giving notice or a proof of service, Word-processing version of the proposed order (with the proposed denied instructions) and an Adobe PDF of the document(s) to be filed under seal with a caption page clearly marked "UNDER SEAL." The subject line of the email should have the case number, plus the words "UNDER SEAL REQUEST."

No chambers copies are necessary. Non-paper exhibits shall be delivered to the intake section of the Clerk's Office in the Ronald Reagan Federal Building and United States Courthouse in Santa Ana. CDs are not accepted; only USB or flash drives are accepted.

REQUEST TO SEAL THE APPLICATION, ORDER, AND DOCUMENT(S)

Electronically file a NOTICE OF MANUAL FILING indicating that an application to seal, declaration giving notice or a proof of service, proposed order sealing, and under seal documents have been submitted to the court.

Send an email to the chambers email at SRM_Chambers@cacd.uscourts.gov, containing an Adobe PDF version of the application to seal, declaration giving notice or a proof of service, Word-processing version of the proposed order (with the proposed denied instructions as stated above), and an Adobe PDF of the document(s) to be filed under seal with a caption page, clearly marked "UNDER SEAL." The subject line of the email should have the case number, plus the words "UNDER SEAL REQUEST."

No chambers copies are necessary. Non-paper exhibits shall be delivered to the intake section of the Clerk's Office in the Ronald Reagan Federal Building and United States Courthouse in Santa Ana. CDs are not accepted; only USB or flash drives are accepted.

Please note: The title of the pleading will be placed on the public docket entry. For example: "Declaration of John Doe, Exhibit A." If approved, the document itself will be sealed and not viewable by the public, but the entry (title) will be viewable.

An application to file documents under seal must meet the requirements of Local Rule 79-5. Documents that are not confidential or privileged in their entirety should not be filed under seal if the confidential portions can be redacted and filed separately with a reasonable amount of effort. The parties should file both versions of the documents: complete versions of the pleadings and documents under seal; and a redacted version for public viewing, omitting only such portions as the court has ordered may be filed under seal. *****The parties ARE ORDERED to place in brackets and highlight the portion(s) of the document text and/or exhibits that have been redacted on the un-redacted copies (sent via email and the chambers' copy).*****

Sealing must be justified for each individual item to be sealed or redacted; blanket claims of confidentiality are not allowed and will result in a denial of the application to seal. Counsel is strongly encouraged to consider carefully whether sealing or redaction is required for a given piece of evidence or argument. The inclusion of clearly meritless requests to seal or redact documents may result in the complete rejection of an application to seal.

IMPORTANT NOTICE FOR ANYONE FILING DOCUMENTS UNDER SEAL IN A CRIMINAL CASE: Please pay attention to the TITLE in the caption of every document you submit to the Court for filing under seal. The title of your document will become part of the PUBLIC docket text when that document is entered on the docket, even though the document itself is sealed. If the title of your document contains confidential information that should not be reflected on the public docket, you should submit your document with a COVER SHEET that uses a generic title like "SEALED APPLICATION," "SEALED MOTION," "SEALED PROPOSED ORDER," OR "SEALED DOCUMENT" rather than the actual title of your document. Docket entries for documents filed under seal in criminal cases, if submitted with such a cover sheet, will include only the generic title.