CM/ECF
(Case Management / Electronic Case Files)
User Manual
and
Administrative Procedures

United States District Court
District of South Dakota

12/15/2015

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1. CM/ECF BASICS

INTRODUCTION

The United States District Court for the District of South Dakota utilizes a comprehensive system called Case Management / Electronic Case Files (CM/ECF) to maintain electronic civil and criminal case files and offer electronic filing. With some exceptions, attorneys (filing attorneys/filing users) are required to electronically file (e-file) their civil and criminal case documents in CM/ECF. The public can access case documents and other case information stored in CM/ECF over the internet or at the public access terminals located in the Clerk's Offices using Public Access to Court Electronic Records (PACER), an electronic public access service.

This CM/ECF User Manual and Administrative Procedures (user manual) is intended to provide the information and instructions necessary for attorneys to file case documents, look at documents and docket sheets, retrieve case information, and manage their CM/ECF account. This user manual is referenced in the local rules of practice of this court.

HOW ELECTRONIC FILING WORKS

Registered attorneys can electronically file civil and criminal case documents 24 hours a day, seven days a week, over the internet, with no additional filing fees. Attorneys can file case documents from their offices or homes right up until the filing deadline, without worrying about postage, messenger services, weather problems, or traffic congestion.

Generally, to e-file, attorneys create their documents on their computers just as they normally do. Instead of printing the documents on paper, attorneys save them in portable document format (PDF). Attorneys then access CM/ECF through the internet using a web browser. After establishing their identity by providing a court-assigned login and password, an attorney indicates the case number their document applies to, the party the document is being filed on behalf of, and the type of document (motion, notice, etc.) being filed. The document is then sent over the internet to the court's computer server which immediately sends a receipt back to the attorney's computer screen verifying the document has been received. Additionally, CM/ECF automatically creates a docket entry for the document and makes both the updated docket sheet as well as the document itself instantly available for viewing by anyone with internet access. The system also immediately sends e-mail notification of the filing to each of the attorneys and participants involved in the case who are registered to receive electronic notification.

HARDWARE AND SOFTWARE REQUIREMENTS

Filing users need the following hardware and software to electronically file documents using CM/ECF:

- A computer running a standard operating system such as Microsoft Windows. Microsoft Windows is the only operating system supported by the CM/ECF Help Desk.

- Word processing software. A word processing program that can convert documents created in that program into portable document format (PDF) is recommended. CM/ECF is designed to accept only documents in PDF format.

- Internet service.

- A JavaScript-enabled web browser. The latest versions of Microsoft Internet Explorer or Mozilla Firefox are recommended.

- Adobe Acrobat or other PDF writer software for converting documents from a word processing format into a portable document format. Adobe Acrobat's portable document format (PDF) is the key to CM/ECF because it allows a document to retain its original pagination and formatting regardless of what type of computer is used to look at or print the document.

- Adobe Acrobat Reader or other PDF viewer software for viewing documents in PDF format. Adobe Acrobat Reader is the most widely used PDF viewer and is available for free.

- A scanner for converting documents to PDF format that are not already in PDF format.

- A CM/ECF account with a login and password issued by this court for electronically filing documents in CM/ECF.

- A separate PACER account with a login and password issued by the PACER Service Center for viewing documents and other case information in CM/ECF.

- An e-mail account for receiving electronic notification of documents filed in CM/ECF.

MANDATORY FILING

Except for the documents listed in the **EXCEPTIONS TO MANDATORY FILING** section of this user manual, attorneys are required to register for a CM/ECF account and electronically file all of their case documents with the court and receive electronic notification of documents filed in CM/ECF. This includes out-of-district attorneys qualified to represent the United States pursuant to D.S.D. Civ. LR 83.3 and D.S.D. Crim. LR 44.1. For good cause, individual attorneys may be granted an exemption from these requirements.

Attorneys admitted pro hac vice to this court cannot electronically file case documents with the court, however, pursuant to D.S.D. Civ. LR 5.1 and D.S.D. Crim. LR 49.1 they are still required to register with CM/ECF for the purpose of receiving electronic notification of documents.

An Attorney Registration Form is available on the district court's website at www.sdd.uscourts.gov.

Non-prisoner pro se parties may also petition the court to be allowed to electronically file case documents and/or receive electronic notification of documents.

EXCEPTIONS TO MANDATORY FILING

Electronic filing is not allowed in *sealed* cases, including criminal cases involving juvenile defendants.

The following types of *documents* are also excluded from mandatory electronic filing in *unsealed* cases:

- Criminal charging documents;
- Civil case initiating documents;
- Sealed documents (with the exception of some sentencing-related documents filed in criminal cases). For a list of the types of sealed documents attorneys can electronically file in CM/ECF, see the **SEALED DOCUMENTS** section of this user manual; and
- Motions to seal (and the documents to be sealed).

The above-listed documents must be manually filed with the Clerk's Office and must be manually served on those parties entitled to receive notice in accordance with the Federal Rules of Procedure and the local rules of practice of this court.

IMPORTANT: Documents containing a criminal defendant's original signature must be electronically filed. In the past, these documents were excluded from mandatory electronic filing. These documents are no longer excluded.

IMPORTANT: Documents that are *manually* filed with the Clerk's Office must include the filing attorney's original *wet* signature.

REGISTRATION AND TRAINING

To access CM/ECF to e-file court documents, attorneys and some pro se filers are issued a CM/ECF login and password. To obtain a CM/ECF login and password from this court, attorneys must first complete an Attorney Registration Form and be trained on how to electronically file documents in CM/ECF. This training will be waived for attorneys who have received previous training in another district court or in bankruptcy court in the District of South Dakota. An Attorney Registration Form is available on the district court's website at www.sdd.uscourts.gov.

Attorneys *joining* the U.S. Attorney's Office or the Federal Public Defender's Office in the District of South Dakota are required to register for a secondary CM/ECF account if they already have a CM/ECF account and have previously practiced before this court. Similarly, attorneys *leaving* the U.S. Attorney's Office or the Federal Public Defender's Office in the District of South Dakota are also required to register for a secondary CM/ECF account if they intend to continue practicing before this court.

Except as noted above, attorneys do not need to register for a CM/ECF login and password more than once. When an attorney changes law firms, he or she must notify the Clerk's Office when their address, telephone number, or other contact information changes. Otherwise their CM/ECF login and password remain the same.

IMPORTANT: Attorneys themselves are required to keep the primary and secondary e-mail addresses associated with their CM/ECF account current.

PACER

Public Access to Court Electronic Records (PACER) is an electronic public access service. It allows users to remotely access documents and other case information filed in any federal district court, bankruptcy court, or appellate court as soon as the documents or case information are entered into the local court's CM/ECF system. Documents and case information are available via the internet 24 hours a day, seven days a week, including weekends and holidays, to multiple users at the same time. PACER access terminals are also located in the Clerk's Offices.

Access to case information costs ten cents per page. Access fees to look at a single document are capped at $3 (30 pages). This cap does not apply to name searches, reports that are not case-specific, and transcripts of federal court proceedings. Additionally, for billing purposes, each attachment to a main document is considered to be a separate document. The PACER Service

Center bills quarterly, but access fees are waived when usage amounts to less than $15 for the quarter.

A person with a CM/ECF account in the District of South Dakota is also required to register for a PACER account. A PACER account is sometimes required to look at documents and other case information entered in CM/ECF. Criminal Justice Act (CJA) attorneys should register for two PACER accounts, including a fee exempt account for doing CJA work. Attorneys logged in with a fee exempt account must make sure they are *only* doing CJA work. Exempt usage is closely monitored and users will be subject to charges if they are not doing CJA work.

Although only attorneys and some pro se litigants can acquire a CM/ECF account for electronically filing documents, anyone can register for a PACER account. To register or obtain more information about PACER go to www.pacer.gov or call the PACER Service Center at 1-800-676-6856.

IMPORTANT: Applicable PACER access fees apply when viewing documents and other case information in CM/ECF, but filing users are *never* charged for electronically filing documents in CM/ECF.

FORMATING PDF DOCUMENTS FOR FILING

D.S.D. Civ. LR 10.1 prohibits headers or footers containing a law firm's name and address from appearing on each page of a filed document. Instead, this information should appear in the signature block of the filing attorney. For more information on signature blocks, see the **ATTORNEY SIGNATURES** section of this user manual.

All electronically filed documents must be in PDF format. Adobe Acrobat's portable document format (PDF) is the key to CM/ECF because it makes all documents viewable in their original format on any computer regardless of whether they were scanned or created by a word processor and regardless of the type of computer or word processing software used by the individuals who created them or by others who wish to look at them.

Documents created using word processing software can easily be converted to PDF. Other documents not already in PDF format must be scanned to PDF. When there is an option to scan or convert, it is best to convert because converted documents are usually smaller and automatically have Optical Character Recognition (OCR) functionality. OCR functionality is desirable because documents with OCR functionality can be searched for words and phrases and sections can be highlighted and/or copied. CM/ECF also has size limitations.

How to Convert a Document to PDF Format

Converting a document created using Microsoft Word can be done by saving or printing (converting) the document to PDF in one of the following ways. (These steps may vary depending on the word processing program or version being used.)

Steps for Saving to PDF:

- Open the document to be converted;
- Click the **File** tab;
- Select **Save As** from the list of options;
- Select a location for the new PDF file to be saved;
- In the **Save as type:** box, select **PDF (*.pdf)** from the drop-down list;
- Name the new PDF file (the file type will default to .pdf); and
- Click the **Save** button. The new PDF file will be saved in the selected location under the new PDF file name. The original document will remain open on the screen.

Steps for Printing to PDF:

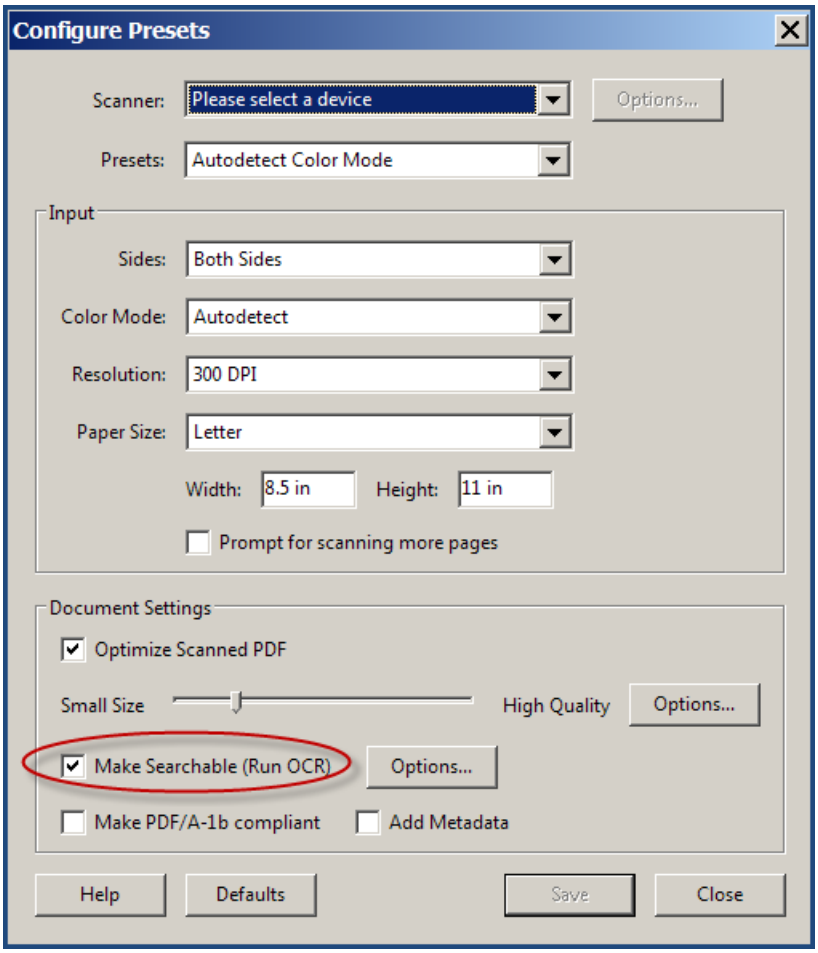
- Open the document to be converted;
- Click the **File** tab;
- Select **Print** from the list of options;
- Click on the **Printer** drop-down list and select Adobe PDF (or another Adobe PDF converter);
- Click the **Print** button;
- Select a location for the new PDF file to be saved;
- Name the new PDF file (the file type will default to .pdf); and
- Click the **Save** button. The new PDF file will be saved in the selected location under the new PDF file name. The original document will remain open on the screen.

How to Scan a Document to PDF Format so that it has OCR Functionality

Scanned documents should have OCR functionality so they can be searched for words and phrases and sections can be highlighted and/or copied. Documents can be scanned to PDF using either a desktop scanner or a copier in the following ways:

Using a Desktop Scanner:

Documents scanned to PDF on a desktop scanner will have OCR functionality when the following **Make Searchable (Run OCR)** checkbox is checked.



To make sure this box is checked, follow these steps while in Adobe Acrobat. (These steps may vary depending on the PDF writer program or version being used.)

- Click **File** on the menu bar;
- Click on **Create PDF** in the drop-down list;
- Click on **From Scanner** in the drop-down list;
- Click on **Configure Presets** in the drop-down list;
- Click the **Make Searchable (Run OCR)** box; and
- Click the **OK** button.

Using a Copier:

Documents that have been scanned to PDF on a copier will have OCR functionality when the following steps are taken while in Adobe Acrobat. (These steps may vary depending on the PDF writer program or version being used.)

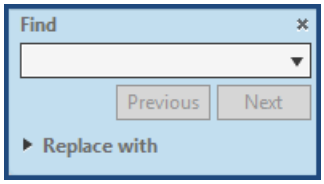
- Open the scanned PDF document in Adobe Acrobat;
- Click **Document** on the menu bar;

- Click on **OCR Text Recognition** in the drop-down menu;
- Select **Recognize Text Using OCR**; and
- Click the **OK** button.

How to Determine if a PDF Document has OCR Functionality

To determine if a PDF document has OCR functionality, follow these steps while in Adobe Acrobat. (These steps may vary depending on the PDF reader program or version being used.)

- Open the PDF document;
- Hold down the Ctrl + F keys so the **Find** dialog box opens;



- In the **Find** dialog box, enter a known word or phrase in the document;
- Click on **Next** in the **Find** dialog box;
- If the word or phrase is highlighted in the document, the document has OCR functionality; and
- If the word or phrase is not highlighted, the document does NOT have OCR functionality.

Scanning, Best Practices

Documents scanned to PDF should have a minimum resolution of 300 ppi (pixels per inch). If a scanner is set to more than 300 ppi, documents will be unnecessarily large. If a scanner is set to less than 300 ppi, documents may become illegible when they are later archived. For more information on the size limitations of PDF documents filed in CM/ECF, see the **SIZE OF PDF DOCUMENTS** section of this user manual.

Documents should be scanned in Black & White. Documents should NOT be scanned in Grayscale. In addition, documents should NOT be scanned in Color *unless* the court needs to see something in color. A document should not be scanned in Color just because the document was signed in blue ink.

Check documents for marginalia and other content that may not scan clearly. Consider making a copy of the document before scanning it to darken such content so that it is legible after it is filed in CM/ECF.

Use white or light colored exhibit stickers to mark attachments. Blue exhibit stickers often turn black when scanned and become illegible.

It may be necessary to darken some documents, particularly hand-written documents, on a copier prior to scanning them to make sure they are legible.

Consider requesting a deposition transcript in electronic format from the court reporter so that it doesn't need to be scanned before filing.

SIZE OF PDF DOCUMENTS

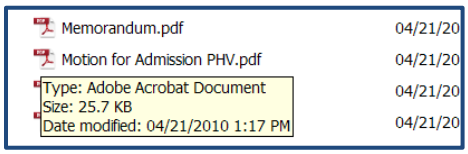
CM/ECF cannot accommodate filing PDF documents larger than the following:

- A *single* PDF document, either the main document *or* an attachment to the main document, cannot be larger than 12 megabytes (MB). 12 megabytes (MB) equals 12,288 kilobytes (KB).

- An *entire* merged PDF document, including the main document *and* all of its attachments, cannot be larger than 40 megabytes (MB). 40 megabytes (MB) equals 40,960 kilobytes (KB).

If an *entire* merged PDF document is larger than 40MB when a filing user tries to file it, the system may "timeout" and the filing user will have to start the entire filing process over again with smaller documents.

To determine the size of a PDF document, hover your mouse pointer over the PDF document file until a pop-up window appears. The window will contain information about the PDF document, including the size of the document.



If a *single* PDF document is larger than 12MB, the filing user should first check their PDF writer program to see if it has a feature that can automatically condense or reduce the size of the PDF document. If a *single* document is still too large after condensing or reducing it, it must be divided into two or more smaller documents. When possible, the document should be divided at logical places, such as between sections or chapters.

If a filing user has already done everything possible to reduce the sizes of each *single* PDF document and the *entire* merged PDF document, including the main document and all of its attachments, still exceeds 40MB, the *entire* merged document will have to be filed in CM/ECF during two or more transactions. Following are the steps involved in filing multiple transactions.

Step	Action
1.	File the main document (*e.g.*, Affidavit in Support of Motion) and as many attachments as possible (up to 40MB) using the appropriate event. Note: When prompted to "Select the appropriate event(s) to which your event relates," select the motion to which your document relates.
2.	File the main document (*e.g.*, Affidavit in Support of Motion) AGAIN and the rest of the attachments using the **Supplement** event located in CM/ECF under ***Other Filings → Other Documents***. Note: When prompted to "Select the appropriate event(s) to which your event relates," select both the motion to which your document relates AND the document filed in Step 1.
3.	Repeat Step 2 if necessary.

For more information on events, see the **EVENTS** section of this user manual.

EXHIBITS AND OTHER ATTACHMENTS

In addition to the main document, exhibits and other attachments must also be converted to PDF and electronically filed in CM/ECF, unless they are documents that are excluded from mandatory filing or items that cannot be converted to PDF format. For a list of the types of documents excluded from mandatory filing, see the **EXCEPTIONS TO MANDATORY FILING** section of this user manual. Items that cannot be converted to PDF must be manually filed by delivering them to the Clerk's Office with a cover sheet. In addition, such items must be manually served on those parties entitled to receive notice in accordance with the Federal Rules of Procedure and the local rules of practice of this court.

Excerpts of referenced documents that are directly germane to the matter under consideration by the court may be attached to a document filed in CM/ECF. Excerpted material should be clearly and prominently identified as such. Highlighting or underlining relevant portions is encouraged. Parties who file excerpts of documents as exhibits or other attachments do so without prejudice to their right to timely file additional excerpts. Responding parties may file additional excerpts that they believe are directly germane. The court may require parties to file additional excerpts or the complete document.

With the exception of multiple letters of support and multiple victim impact statements, attachments should be scanned *separately* and attached *separately*. Multiple letters of support and multiple victim impact statements filed in a criminal case should all be scanned together as one document and attached as one document.

Color documents, including, but not limited to, color photographs and highlighted documents, can be scanned and filed in CM/ECF.

All exhibits and other attachments must be properly described. "Exhibit A – Photo" and "Exhibit 2 – Deposition of Shane Brown" are examples of properly described attachments. "Exhibit A" and "Exhibit 2" are examples of insufficiently described attachments.

Most exhibits and other attachments can't be converted to PDF and therefore must be scanned to PDF. See the **FORMATTING PDF DOCUMENTS FOR FILING** section of this user manual for more information on how to scan a document to PDF so that is has OCR functionality.

Although there is no limit on the number of exhibits or other attachments a document may have, CM/ECF does have size limitations. For more information on these size limitations, see the **SIZE OF PDF DOCUMENTS** section of this user manual.

IMPORTANT: Don't forget to redact personal data identifiers from exhibits and other attachments.

EVENTS

"Events" are utilized in CM/ECF for e-filing documents and creating docket entries in a case. Different events have been created for filing different types of documents. It is important to use the correct event when electronically filing a document in CM/ECF. Using the wrong event can have unforeseen and unintentional consequences. For help locating the correct event, see the Civil Case Events List and the Criminal Case Events List available on the district court's website at www.sdd.uscourts.gov. It is also possible to locate a civil or criminal event by clicking on the **Search** menu on the blue menu bar in CM/ECF and typing the name of the event (or a portion thereof) in the search box and clicking on **Search**.

For more information on selecting an event, see the **STEP-BY-STEP GUIDE FOR FILING A MOTION IN A CIVIL CASE** and the **STEP-BY-STEP GUIDE FOR FILING A MOTION IN A CRIMINAL CASE** sections of this user manual.

Please contact the Clerk's Office at one of the numbers listed in the **HELP DESK** section of this user manual if you are unsure which event to use when e-filing a document.

PAY.GOV

Pay.gov is a convenient and fast way to make secure credit card payments directly to the United States Treasury via the internet. CM/ECF utilizes Pay.gov to allow filing users to pay certain court fees during the electronic filing process. The following CM/ECF events require the filing user to pay the associated court fee utilizing Pay.gov:

- Motion for Admission Pro Hac Vice (civil case)
- Motion for Admission Pro Hac Vice (criminal case)
- Notice of Appeal (civil case)
- Notice of Appeal – Interlocutory (civil case)

- Notice of Appeal – Cross Appeal (civil case)
- Notice of Appeal – Final Judgement (criminal case)
- Notice of Appeal – Interlocutory Appeal (criminal case)
- Notice of Appeal – Conditions of Release (criminal case)

During the electronic filing process, a filer using one of these events is presented with an online payment screen so they can enter the necessary credit card information to pay the court fee associated with the event. The online Pay.gov payment screen is similar to payment screens commonly seen by anyone making an online purchase.

For more information on Pay.gov, see Pay.gov for Attorneys available on the district court's website at www.sdd.uscourts.gov.

Attorneys can run an **Internet Payment History** report in CM/ECF any time to see a list of all credit card payments they have made in CM/ECF utilizing Pay.gov. For more information regarding this report, see the **Internet Payment History** section of this user manual.

REDACTING PERSONAL DATA IDENTIFIERS

Pursuant to the E-Government Act of 2002 and in compliance with Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, D.S.D. Civ. LR 5.2, and D.S.D. Crim. LR 49.1.1, parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from *all* documents filed with the court, including exhibits and other attachments, unless otherwise ordered by the court:

- Social Security numbers (SSN) and taxpayer identification numbers (TIN). (Redact all but the last four digits.)
- Names of individuals known to be minors. (Use the minors' initials.)
- Dates of birth. (Redact all but the year.)
- Financial account numbers. (Redact all but the last four digits.)
- Home addresses in criminal cases ONLY. (Redact all but the city and state.)

Additionally, D.S.D. Civ. LR 5.1, and D.S.D. Crim. LR 49.1 require filing users to redact any website addresses contained in a filed document that direct the court to a website that contains pornography or personal data identifiers. Pursuant to D.S.D. Civ. LR 5.2 and D.S.D. Crim. LR 49.1.1, filing users *may* then manually submit an unredacted version of the document for filing under seal. For more information on filing redacted documents under seal, see the **REDACTING PERSONAL DATA IDENTIFIERS** and the **SEALED DOCUMENTS – REDACTION RELATED DOCUMENTS** sections of this user manual.

Although documents may appear to be redacted, hidden data may still contain unredacted personal data identifiers. Filing users must use extra care to make sure electronically filed documents are fully and completely free of unredacted personal data identifiers, including hidden data. For more information on redacting personal data identifiers, see the **REDACTION TIPS** section of this user manual.

REDACTION TIPS

Documents that are incorrectly redacted may still contain unredacted personal data identifiers. Following are some methods that should NOT be employed when redacting personal data identifiers from documents electronically filed with the court:

- Changing the font to white makes it look like the words disappear, but they don't.

- All word processing software (such as Microsoft Word and Corel WordPerfect) retain a lot of hidden code called "metadata" that can contain revision history and other information in saved document files. This metadata can reveal anything that was contained in the document file at any time, even text that was previously deleted or changed—even if the file was re-saved. This is a useful tool for tracking revisions, but if this information is not purged from the document file, someone can look at this information, even after it has been converted to PDF.

- Adobe Acrobat (the full version) has some graphic and "commenting" tools which can blackout, cover over, or remove sections of text. The edits these tools make can be removed by someone to reveal the text underneath.

- Ink marking or using semitranslucent tape or paper to cover areas of a document to be scanned can still sometimes show enough information for someone to see what was assumed hidden, especially if that same data repeats a number of times throughout a document.

For more information on metadata see Guidelines for editing metadata available on the district court's website at www.sdd.uscourts.gov. The court does not profess to be an expert on metadata and does not endorse any specific method to "sanitize" a document. There are a number of consulting and software resources which specialize in redaction of data.

HYPERLINKS

Electronically filed documents can include active hyperlinks to previously filed documents in the same case or another case filed in *this* court. These are known as "cross-document hyperlinks." For specific instructions on adding cross-document hyperlinks to a document created in Microsoft Word or Corel Word Perfect, see Cross Document Hyperlinks available on the district court's website at www.sdd.uscourts.gov.

Electronically filed documents can also include active cross-document hyperlinks to previously filed documents in *another* court that uses CM/ECF. CM/ECF is currently used in over 200 different courts including United States Bankruptcy Courts, United States District Courts, United States Courts of Appeal, the United States Supreme Court, the United States Court of Federal Claims, and the United States Court of International Trade. For a complete list of federal courts that use CM/ECF, go to the PACER Service Center website at www.pacer.gov.

IMPORTANT: Electronically filed documents can also include active hyperlinks to items posted on the internet. Pursuant to D.S.D. Civ. LR 5.1 and D.S.D. Crim. LR 49.1, filing users *must* redact any website address contained in a filed document that directs the court to a website that contains pornography or personal data identifiers. Filing users *may* manually submit an unredacted version of the redacted documents to the Clerk's Office for filing under seal. For more information of filing redacted documents under seal, see the **REDACTING PERSONAL DATA IDENTIFIERS** and the **SEALED DOCUMENTS – REDACTION RELATED DOCUMENTS** sections of this user manual.

ATTORNEY SIGNATURES

Pursuant to D.S.D. Civ. LR 10.1 and D.S.D. Crim. LR 49.1, an electronically filed document must include a signature block that sets forth the name, address, telephone number, and e-mail address of the filing user. This information should NOT be included in a header or a footer that appears on every page of a document or as part of the caption of the case.

The signature block must also contain a facsimile signature of the filing user or the typed name of the filing user, preceded by a "/s/," as in the following example:

/s/ Nelson E. Wiseman

The signature on the document should belong to the same person whose CM/ECF login and password were used to electronically file the document. The signature on the document, together with the filing user's CM/ECF login and password serve as the filer's signature for purposes of the Federal Rules of Procedure, the local rules of practice of this court, and any other purpose for which a signature is required in connection with proceedings before this court.

No filing user or other person may knowingly permit a CM/ECF login and password to be used by someone other than an authorized agent of the filing user. Registered attorneys agree to protect the security of their CM/ECF login and password and immediately notify the Clerk's Office if they suspect their login and password has been compromised.

Pursuant to D.S.D. Civ. LR 5.1 and D.S.D. Crim. LR 49.1, documents requiring the signatures of more than one party may be electronically filed either by (a) submitting a scanned document containing all necessary signatures; or (b) in any other manner approved by the court.

IMPORTANT: When electronically filing documents that require signatures from more than one party, it is not permissible to insert a "/s/" for another person's signature.

IMPORTANT: Documents that are *manually* filed with the Clerk's Office must include the filing attorney's original *wet* signature.

SERVICE OF DOCUMENTS

A Notice of Electronic Filing (NEF) is automatically generated by CM/ECF and e-mailed to each of the appropriate registered attorneys and case participants, including pro hac vice attorneys, whenever a document is filed in an *unsealed* case. This constitutes service on those persons registered with CM/ECF who consented to electronic service at the time of registration. In this circumstance, a certificate of service with respect to those persons to whom electronic notice of the filing was sent is not necessary. For more information on the NEF, see **THE NEF** section of this user manual.

Pro se parties and attorneys exempt from registration with CM/ECF who do not receive electronic notice when a document is filed must be served with a copy of the document by traditional means in accordance with the Federal Rules of Procedure. In this situation, a certificate of service *must be attached* to the document and must identify the person or persons served and the manner in which service was accomplished.

If, for whatever reason, a document cannot be electronically filed and must be manually filed, the appropriate parties must be served with a copy of the document by traditional means in accordance with the Federal Rules of Procedure. Again, in this situation, a certificate of service *must be attached* to the document and must identify the person or persons served and the manner in which service was accomplished.

REMINDER: Documents that are *manually* filed with the Clerk's Office must include the filing attorney's original *wet* signature.

NOTICE OF ELECTRONIC FILING (NEF)

When an attorney registers for a CM/ECF account, he or she consents to electronic service of all documents filed with the court in accordance with the Federal Rules of Procedure. Attorneys and case participants who are not registered users must be served with copies of the documents by traditional means in accordance with the Federal Rules of Procedure.

When a document is electronically filed in CM/ECF, all registered attorneys and case participants will immediately receive a Notice of Electronic Filing (NEF) e-mail. The e-mail notification will look similar to the following:

ecfhelp	Motion to Compel filed in 4:13-cr-40005-KES USA v. O'Connor et al	12/06/2015 10:02 AM	5K

When an e-mail recipient opens the NEF for an *unrestricted* document, it will contain a hyperlink for the document. Each e-mail recipient can click *once* on the document number hyperlink within 15 days of receipt of the NEF and look at the document for free. The recipient should print or save the document at that time. The second time a recipient clicks on the document number hyperlink contained in the NEF, he or she will be charged an applicable PACER access fee for viewing the document.

For information on accessing *restricted* documents from an NEF, see the **ACCESSING RESTRICTED DOCUMENTS** section of this user manual.

For more information on PACER, go to the PACER Service Center website at www.pacer.gov.

Even when a document was not actually filed, attorneys and case participants registered with CM/ECF may receive an NEF when docket activity occurs in a case. In this instance, the NEF will notify the recipient of the docket activity, but the NEF will not contain a hyperlink to an actual document.

To receive electronic notification when documents are filed and when other docket activity occurs in a case, attorneys are required to maintain a valid primary e-mail address and optional secondary e-mail addresses on their CM/ECF account. If a NEF is returned to us as undeliverable because an attorney has failed to keep an e-mail address on his or her account current, the Clerk's Office will make a limited attempt to contact the attorney, although not required to do so. For more information on maintaining the e-mail addresses on your CM/ECF account, see the **MAINTAIN YOUR E-MAIL** section of this user manual.

For more information on NEFs see **THE NEF** section of this user manual.

WHAT CONSTITUTES FILING/OFFICIAL RECORD

Electronic transmission of a document to the CM/ECF system, together with transmission of a Notice of Electronic Filing (NEF) e-mail from the court constitutes filing of the document for all purposes of the Federal Rules of Procedure and the local rules of practice of this court.

An electronically filed document is deemed filed at the date and time stated on the NEF as generated by the CM/ECF system. The district court's server is located in Sioux Falls, South Dakota, in the Central time zone. Electronically filed documents must be filed by 11:59 p.m. *Central Time*, regardless of the location of the filer, to be considered timely filed that day, unless specifically ordered otherwise by the court.

When a document has been electronically filed, the official record is the electronic document as stored in the CM/ECF system, and the filing party is bound by the document as filed. Before electronically filing a document with the court, the filing party is strongly encouraged to verify the document's content and legibility.

DOCUMENTS ENTERED BY THE COURT

All electronically filed orders, judgments, and proceedings of this court constitute entry on the docket kept by the Clerk of Court pursuant to Fed. R. Civ. P. 58, Fed. R. Civ. P. 79, Fed. R. Crim. P. 49, and Fed. R. Crim. P. 55.

Any order or other court-issued document electronically entered on the docket without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had actually signed the document.

Any "text only" order or other entry on the docket without an attached document is official and binding.

NOTICE OF COURT ORDERS AND JUDGMENTS

Immediately upon entry on the docket of an *unsealed* order or judgment in an *unsealed* case, the CM/ECF system automatically transmits a Notice of Electronic Filing (NEF) e-mail containing a hyperlink to the document to all *registered* attorneys and case participants. Electronic transmission of the NEF constitutes notice as required by Fed. R. Civ. P. 77(d) and Fed. R. Crim. P. 49(c). The Clerk's Office will provide a copy of the document to the appropriate *unregistered* attorneys and case participants by traditional means.

Immediately upon entry on the docket of a *sealed* order or judgment in an *unsealed* case, registered attorneys and case participants may receive an NEF, however, because the document

is sealed, they will not be able to access the document from the NEF. In this instance, the Clerk's Office will provide a copy of the sealed document to the appropriate attorneys and case participants by traditional means.

When an order or judgment is entered on the docket in a *sealed* case, such as a criminal case involving a juvenile defendant, registered and unregistered attorneys and other case participants will NOT receive an NEF. In this circumstance, the Clerk's Office will provide a copy of the document to the appropriate attorneys and case participants by traditional means.

SEALED DOCUMENTS

Attorneys do not need permission to electronically file the following types of sentencing-related documents in a criminal case in CM/ECF:

- Sealed Allocution Statement
- Sealed Evaluation
- Sealed Letter(s) of Support
- Sealed Objections to Presentence Report
- Sealed Plea Agreement Supplement
- Sealed Sentencing Memorandum
- Sealed Statement of Factual Basis
- Sealed Supporting Document(s)
- Sealed Victim Impact Statement(s)

IMPORTANT: Although these types of *sealed* documents can be electronically filed by attorneys so they are accessible by court staff, including members of the United States Probation Office, they are NOT accessible by any case participants (or the public) and must be manually served on the appropriate parties by the filer at the time of filing by traditional means. A certificate of service should be attached identifying the person or persons served and the manner in which service was accomplished.

IMPORTANT: Registered attorneys and other case participants normally receive an NEF when a sealed document is filed in CM/ECF; however, sealed documents are *never* accessible from an NEF.

Other types of sealed documents generally fall into the following four categories and should be handled as indicated. Manually filed documents must be manually served on those parties entitled to receive notice in accordance with the Federal Rules of Procedure and the local rules of practice of this court.

Motions to Seal

Unless the document to be sealed is already filed with the court, all motions to seal and the documents to which they pertain should be manually submitted to the Clerk's Office for filing. Except for a *sealed* motion to seal, the Clerk's Office will file the motion to seal in CM/ECF as a public document which will be accessible by all case participants and the public and therefore should NOT contain any information the filer wants sealed. Unless the document is already filed with the court, the document to which the motion to seal pertains will be attached to the motion and filed under seal and will NOT be accessible by any case participants or the public. The attachment to the motion to seal will not be considered by the court for any purpose other than to determine whether or not it should be sealed. If the court enters an order granting the motion to seal, the Clerk's Office will re-file the attachment under seal as a separate entry on the docket sheet and the court will then consider it for the purpose for which it was filed. If the court denies the motion to seal, the sealed attachment will not be considered by the court for any other purpose and the Clerk's Office will take no further action with respect to the sealed attachment unless ordered to do so by the court.

IMPORTANT: Documents that are *manually* filed with the Clerk's Office must include the filing attorney's original *wet* signature.

Redaction-Related Documents

As detailed in the **REDACTION OF PERSONAL DATA IDENTIFIERS** section of this user manual, the E-Government Act of 2002 prohibits the filing of documents containing personal data identifiers. After electronically filing a redacted document, a filer *may* manually submit an *unredacted* version of the redacted document to the Clerk's Office for filing under seal pursuant to D.S.D. Civ. LR 5.2 and D.S.D. Crim. LR 49.1.1. Any such submission must contain a cover sheet stating, "This document to be filed under seal pursuant to the E-Government Act." The Clerk's Office will file the unredacted document using the Sealed Document event and it will NOT be accessible by any case participants or the public. In this circumstance, a court order is not required.

Documents Subject to a Protective Order

When submitting a document to the Clerk's Office for filing under seal pursuant to a protective order, there is no need to file a redacted document. The filer should manually submit the protected document to be filed under seal to the Clerk's Office with a cover sheet stating, "This document to be filed under seal pursuant to the Protective Order issued in this case on [insert date]." The Clerk's Office will file the document using the Sealed Document event and it will NOT be accessible by any case participants or the public. In this circumstance, a separate court order is not required.

Sealed Attachments

When electronically filing an *unsealed* document that includes *sealed* attachments, a placeholder must be electronically filed for each sealed attachment. After electronically filing the document with the required placeholders, the filer should manually submit each sealed attachment to the Clerk's Office with a cover sheet identifying the specific placeholders to be replaced. The Clerk's Office will replace the placeholders with the sealed attachments and they will NOT be accessible by any case participants or the public. In this circumstance, a separate court order is not required.

RESTRICTED DOCUMENTS

Restricted documents are not sealed, but access to restricted document is limited. When an *unrestricted* document is filed in CM/ECF, it is visible on the public docket sheet and accessible through a document number hyperlink contained in a Notice of Electronic Filing (NEF) e-mail. Unrestricted documents filed in CM/ECF are also accessible via the internet through PACER and at the PACER access terminals located in the Clerk's Offices.

When a *restricted* document is filed in CM/ECF, it may or may not be visible on the public docket sheet and may or may not be accessible through an NEF. For more information on accessing a restricted document through an NEF, see the **ACCESSING RESTRICTED DOCUMENTS** section of this user manual.

The most common types of *restricted* documents filed in CM/ECF, include the following:

- Petitions to Revoke
- Presentence Reports
- Bail Reports
- Ex Parte Documents
- Social Security Appeal Case Documents

Following is information regarding these particular types of restricted documents.

Petitions to Revoke

The United States Probation Office electronically files petitions to revoke in criminal cases. When the U.S. Probation Office requests a *summons* in connection with a petition to revoke, electronic notice of the petition is sent to all registered attorneys and case participants. In this circumstance, the petition to revoke is not restricted. The petition to revoke appears on the public docket sheet and is accessible through a document number hyperlink contained in an NEF, through PACER, and at the PACER access terminals located in the Clerk's Offices.

When the U.S. Probation Office requests a *warrant* in connection with a petition to revoke, electronic notice of the petition is only sent to attorneys in the U.S. Attorney's Office. In this circumstance, the petition to revoke is restricted. The petition to revoke is only accessible by the attorneys in the U.S. Attorney's Office through a document number hyperlink contained in an NEF and through PACER. Additionally, the petition to revoke does not appear on the public docket sheet and is not accessible to defense counsel or the public until after the criminal defendant has been safely arrested or appears in court.

Presentence Reports and Bail Reports

The United States Probation Office electronically files several other types of restricted documents in criminal cases in CM/ECF, including the following:

- Draft Presentence Report
- Final Presentence Report
- Addendum to Final Presentence Report
- Draft Supplemental Presentence Report
- Final Supplemental Presentence Report
- Addendum to Final Supplemental Presentence Report
- Resentencing Report
- Preliminary Bail Report
- Final Bail Report
- Addendum to Final Bail Report

These documents do appear on the public docket sheet and *all* of the attorneys in a multi-defendant case receive electronic notice when these documents are filed, but access to them is limited to the attorneys for the defendant who is the subject of the report, attorneys for the U.S. Attorney's Office, and court staff.

Ex Parte Documents

An attorney wishing to file an ex parte document in either a civil or a criminal case should electronically file the document using the appropriate *ex parte* event. For a list of ex parte events, see the Civil Case Events List and the Criminal Case Events List available on the district court's website at www.sdd.uscourts.gov.

When an ex parte document is electronically filed in CM/ECF, only the attorney who filed it and court staff will receive electronic notice when the document is filed. In addition, the ex parte document will not appear on the public docket sheet. It is only visible on the docket sheet to the attorney who filed it and to court staff.

When an ex parte *motion* is filed in CM/ECF, the corresponding order containing the ruling on the ex parte motion will also be an ex parte document. Only the attorney who filed the original

ex parte document and court staff will receive electronic notice when the ex parte order is filed and will be able to access it. In addition, the ex parte order will not appear on the public docket sheet. It is only visible on the docket sheet to the attorney who filed the original ex parte document and to court staff.

Social Security Appeal Case Documents

Social Security appeal cases are unique. *Unsealed* opinions, judgments, and some orders filed in Social Security appeal cases are accessible by the public via the internet, through PACER, and at the PACER access terminals located in the Clerk's Offices. Other *unsealed* documents filed in Social Security appeal cases are restricted to attorneys for case participants and court staff.

ACCESSING RESTRICTED DOCUMENTS

Only the persons authorized to look at a particular restricted document will be able to look at it from a document number hyperlink contained in a Notice of Electronic Filing (NEF) e-mail or through PACER.

To look at a restricted document from an NEF, an authorized person must be logged into CM/ECF *prior* to clicking on the document number hyperlink contained in the NEF. Otherwise, the person will receive a message that says, "You do not have permission to view this document." In addition, only the first person who looks at a restricted document on behalf of a particular authorized person will be able to look at the document for free. Anyone else who subsequently tries to look at the document on behalf of the same authorized person by clicking on the document number hyperlink contained in the NEF will be routed to a **CM/ECF Filer or PACER Login** screen. They must then enter the authorized person's CM/ECF login and password and pay the applicable PACER access fees to look at the document.

2. ELECTRONIC FILING IN CM/ECF

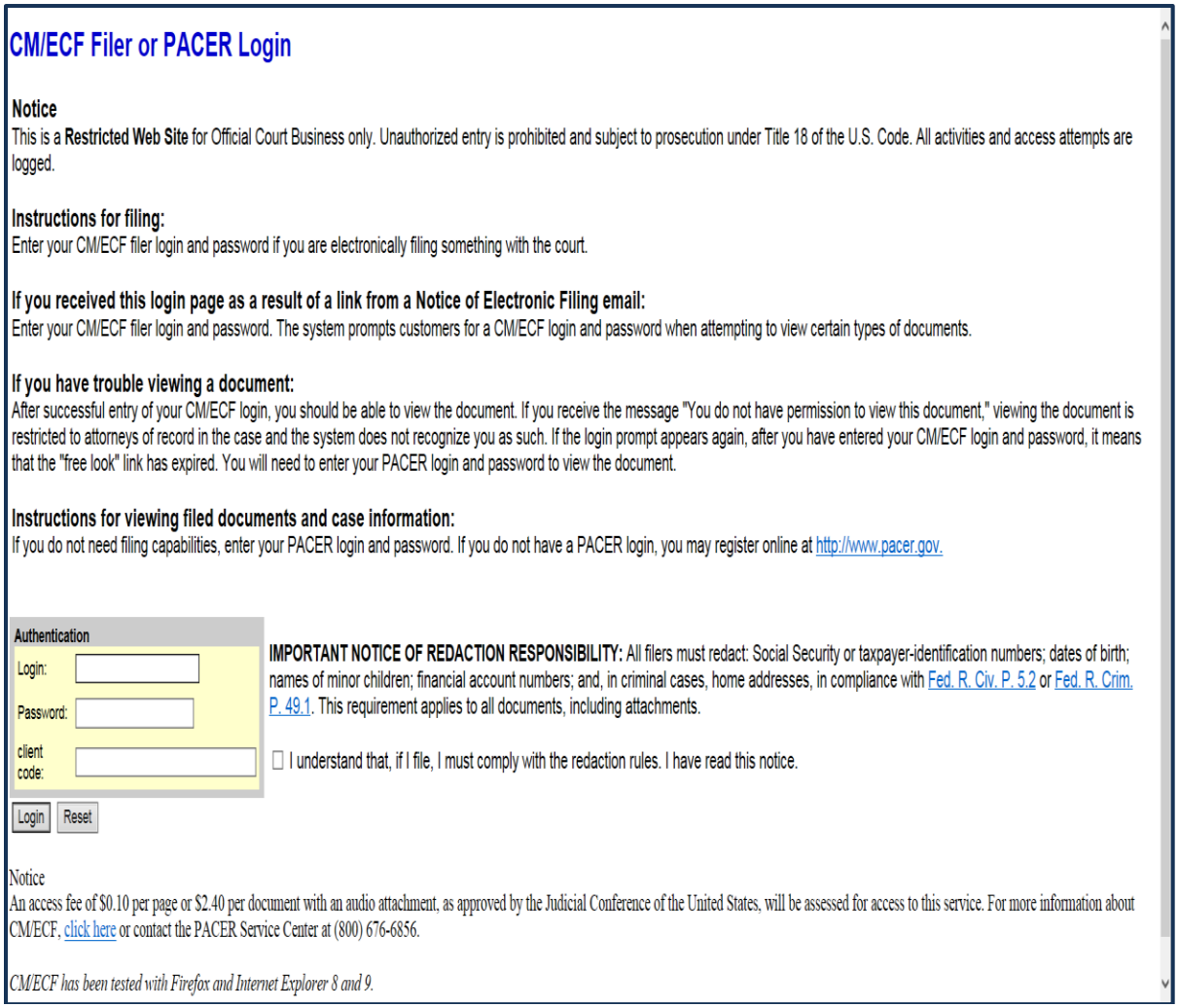
ACCESSING CM/ECF

You (the filing attorney or an authorized agent) can access the CM/ECF system via the internet by going to www.sdd.uscourts.gov and clicking on the **E-Filing (CM/ECF)** hyperlink on the left side of the district court's home page.

On the following welcome screen, click on the District of South Dakota - Document Filing System hyperlink in the center of the screen.

LOGGING INTO CM/ECF

This is the CM/ECF login screen.



CM/ECF Filer or PACER Login

Notice
This is a **Restricted Web Site** for Official Court Business only. Unauthorized entry is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged.

Instructions for filing:
Enter your CM/ECF filer login and password if you are electronically filing something with the court.

If you received this login page as a result of a link from a Notice of Electronic Filing email:
Enter your CM/ECF filer login and password. The system prompts customers for a CM/ECF login and password when attempting to view certain types of documents.

If you have trouble viewing a document:
After successful entry of your CM/ECF login, you should be able to view the document. If you receive the message "You do not have permission to view this document," viewing the document is restricted to attorneys of record in the case and the system does not recognize you as such. If the login prompt appears again, after you have entered your CM/ECF login and password, it means that the "free look" link has expired. You will need to enter your PACER login and password to view the document.

Instructions for viewing filed documents and case information:
If you do not need filing capabilities, enter your PACER login and password. If you do not have a PACER login, you may register online at http://www.pacer.gov.

Authentication
Login:
Password:
client code:
Login Reset

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; financial account numbers; and, in criminal cases, home addresses, in compliance with Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1. This requirement applies to all documents, including attachments.

☐ I understand that, if I file, I must comply with the redaction rules. I have read this notice.

Notice
An access fee of $0.10 per page or $2.40 per document with an audio attachment, as approved by the Judicial Conference of the United States, will be assessed for access to this service. For more information about CM/ECF, click here or contact the PACER Service Center at (800) 676-6856.

CM/ECF has been tested with Firefox and Internet Explorer 8 and 9.

- Enter the your (the filing attorney's) CM/ECF login and password in the appropriate data entry fields. It is not necessary to enter anything in the **client code** box because you will never be charged for electronically filing documents in CM/ECF. The **client code** box only applies if you look at documents or other case information through PACER and PACER access fees apply.

- Place a checkmark in the box next to the statement "I understand that, if I file, I must comply with the redaction rules. I have read this notice." Then click on **Login** to transmit the information to the system.

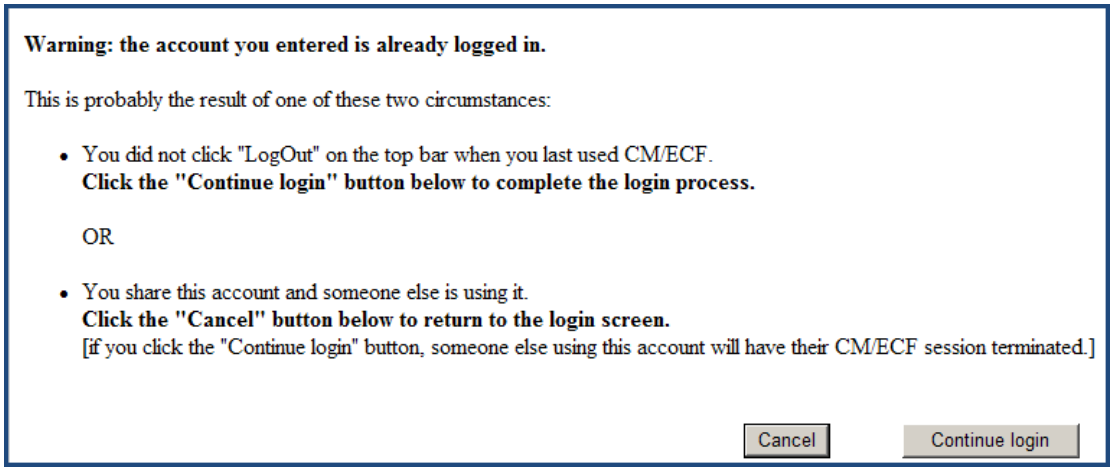
- If an invalid login or password is submitted, the system responds with an error message. Click on your web browser's back arrow and re-enter the filing attorney's CM/ECF login

and password. After five invalid login attempts, the filing attorney's CM/ECF account will be "locked" for five minutes and the following message will appear:

> Your account is temporarily disabled because an incorrect password was given 5 times. If you do not know who entered the incorrect passwords, or if you need to have your password changed, please contact the System Administrator. Otherwise, please try again in approximately 5 minutes.

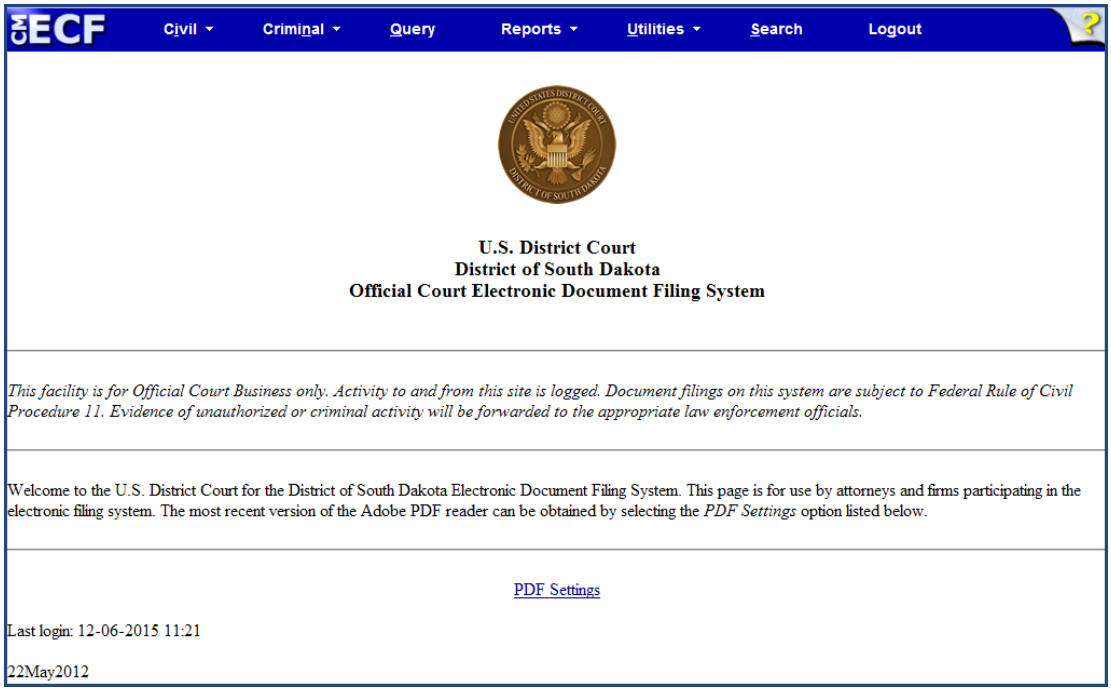
After the initial five-minute timeout period has expired, the next failed login attempt will increase the timeout period to six minutes. After the new six-minute timeout period has expired, the next failed attempt will increase the timeout period to seven minutes, and so on. Contact the Clerk's Office at one of the numbers listed in the **HELP DESK** section of this user manual if you need password assistance.

- If you did not log out from your previous CM/ECF session, or if your login is in use by an authorized agent of the filing user, you will see the following message:



As stated in the message, clicking on **Continue login** will terminate any pending session and will log you into the system. Clicking on **Cancel** will return you to the CM/ECF login screen.

- The following **CM/ECF Menu** screen is displayed after the entry of a valid CM/ECF login and password combination:



IMPORTANT: If the **Civil** and the **Criminal** menus are missing from your blue menu bar, you are NOT logged into the system with a valid CM/ECF login and password combination. Instead, you may be logged in with a *PACER* login and password combination. If you are a registered PACER user, you can use your PACER login and password to look at documents and other case information in CM/ECF, but you cannot use your PACER login and password to electronically file documents in CM/ECF.

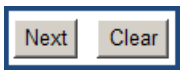
The following **PACER Menu** screen is displayed after the entry of a valid PACER login and password combination:

Notice that the **Civil** and **Criminal** menus are missing from the blue menu bar on the PACER Menu screen. You need the **Civil** and **Criminal** menu options to electronically file a document in a civil or a criminal case. If you inadvertently logged into PACER, log out and log back into the system using a valid *CM/ECF* login and password combination.

When you log into CM/ECF, the last date when you were logged into the CM/ECF system appears in the bottom left-hand corner of the CM/ECF Menu screen. You should review this information each time you log in for security reasons. If you suspect someone is using your CM/ECF login and password without your permission, immediately change your CM/ECF password and call the Clerk's Office at one of the numbers listed in the **HELP DESK** section of this user manual.

PREPARING TO E-FILE IN CM/ECF

- During the e-filing process, you (the filing attorney or an authorized agent) will notice that each screen contains the following two buttons:



  - Clicking on the **Next** button accepts your entries on that particular screen and moves you to the next screen in the filing process.

  - Clicking on the **Clear** button clears all of your entries on that particular screen.

- At any time during the e-filing process you can click on the yellow question mark icon at the far right-hand end of the blue menu bar for online help.

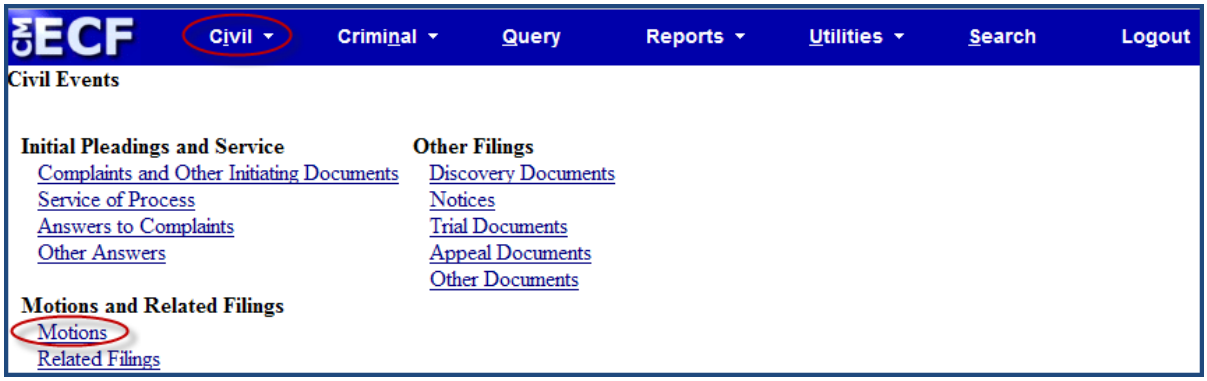
- There are four basic steps involved in electronically filing a document in CM/ECF, including the following:

  - Selecting the appropriate event;
  - Entering the case number of the case in which the document is to be filed;
  - Designating the party or parties filing the document; and
  - Attaching the PDF document(s) to be filed.

Immediately following are *two* step-by-step guides that will walk you through the entire process of electronically filing a motion in CM/ECF. First, is a guide for filing a motion in a *civil* case. Second, is a guide to filing a motion in a *criminal* case. Click **here** to go directly to the Step-by-Step Guide for Filing a Motion in a Criminal Case. Electronically filing other types of documents in CM/ECF is similar to electronically filing a motion in CM/ECF.

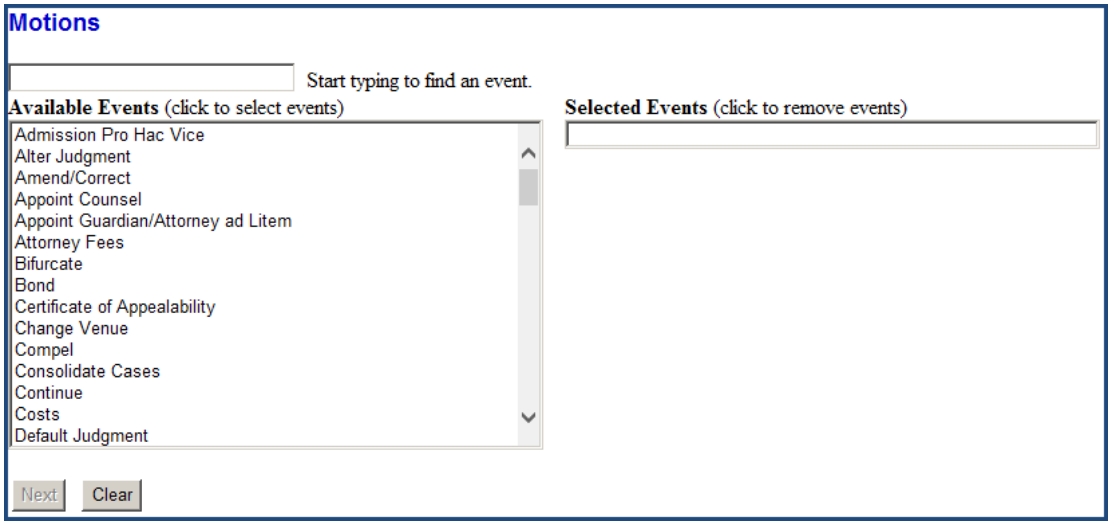
STEP-BY-STEP GUIDE FOR FILING A MOTION IN A CIVIL CASE

After logging into CM/ECF, select the **Civil** menu on the blue menu bar to bring up the following **Civil Events** menu.



1. Click on **Motions** under **Motions and Related Filings** to bring up the **Motions** screen.

   You (the filing attorney or authorized agent) must choose an event when you e-file a document in CM/ECF. For more information on events, see the **EVENTS** section of this user manual. For a complete list of all the civil motion events, see the Civil Case Events List available on the district court's website at www.sdd.uscourts.gov.



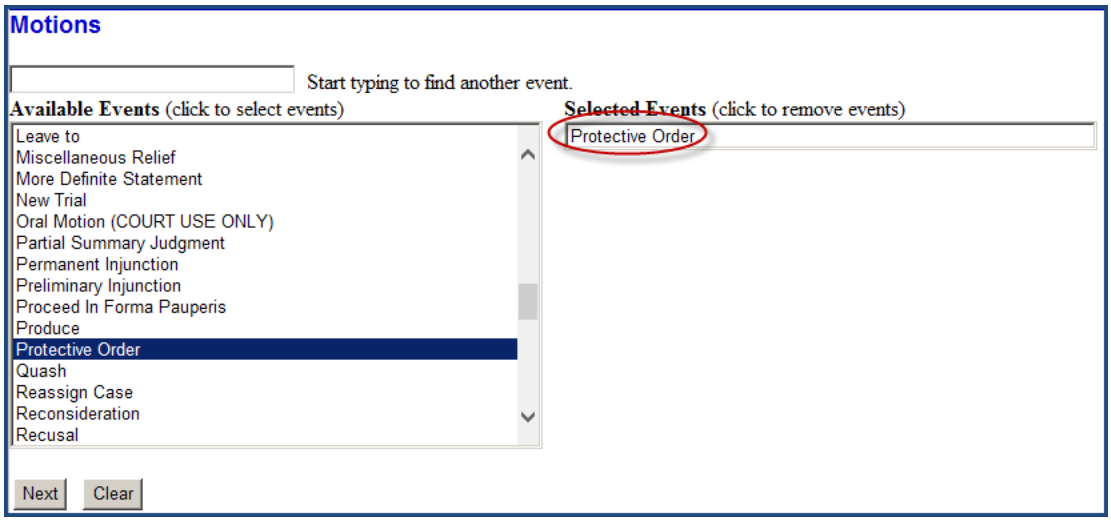
Use the scroll bar to scroll through the **Available Events** list to find your desired motion event.

Select the desired motion event by clicking on it. This will cause the motion event to move from the **Available Events** box on the left side of the screen to the **Selected Events** box on the right side of the screen.

Alternatively, you may be able to more quickly find a desired motion event in the **Available Events** list by typing the first letter of the first word in its title or a few letters from any word in its title in the text box above the **Available Events** list. The **Available Events** list will collapse to include only those motion events containing the letter or letters entered.

Another option for locating an event is clicking on the **Search** menu on the blue menu bar. For more information on the **Search** menu, see the **SEARCH MENU** section of this user manual.

IMPORTANT: Never select an event identified as a "COURT USE ONLY" event.

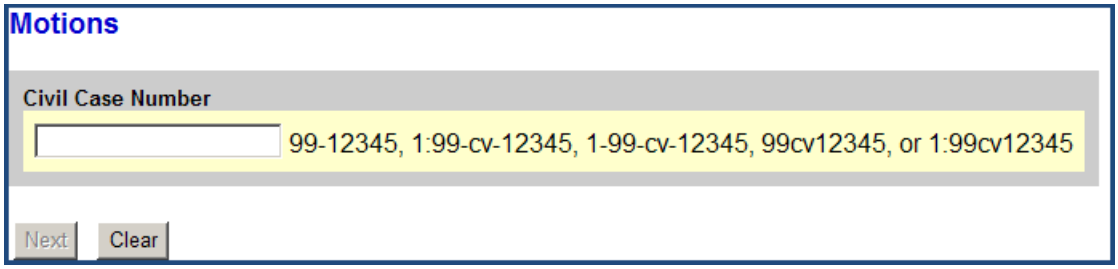


If a motion event is selected in error, it can be removed from the **Selected Events** box by clicking on it. The motion event will move back to the **Available Events** list.

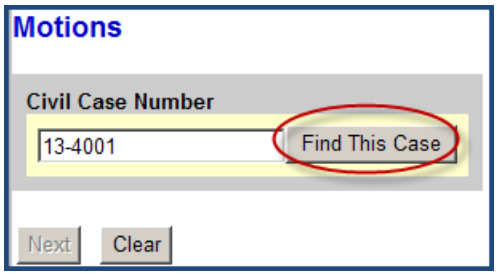
When filing a multi-part motion, select all applicable motion events in the **Available Events** list so they all appear in the **Selected Events** box.

After selecting the desired motion event(s), click on **Next**.

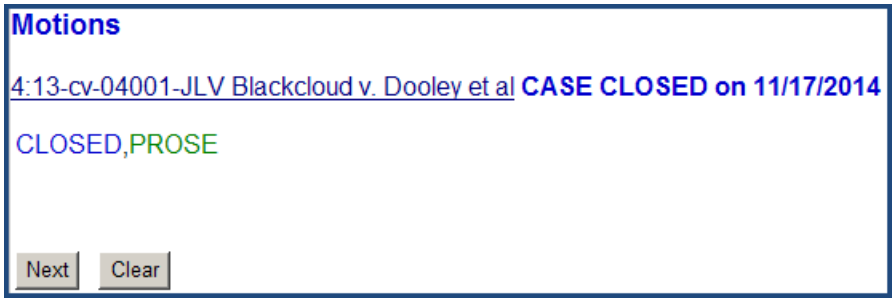
2. This is the **Case Number** screen. The system will automatically insert the case number of the last case accessed during your current CM/ECF session in the **Civil Case Number** box. Otherwise, if you haven't previously accessed a case or you want to file in a different case, enter the number of the case in which the motion is to be filed in the **Civil Case Number** box using any of the accepted formats.



When the civil case number is entered, click on **Find This Case** and click on **Next**.



3. The following **Case Number Verification** screen contains a hyperlink for the case number that was entered on the previous screen. This screen also includes any flags raised in the case and the date when the case was closed, if it was closed. Although a case may have been closed and a CLOSED flag was raised in the case, you can still e-file documents in a closed case. For more information on case flags, click on the **Utilities** menu on the blue menu bar and go to Court Information.

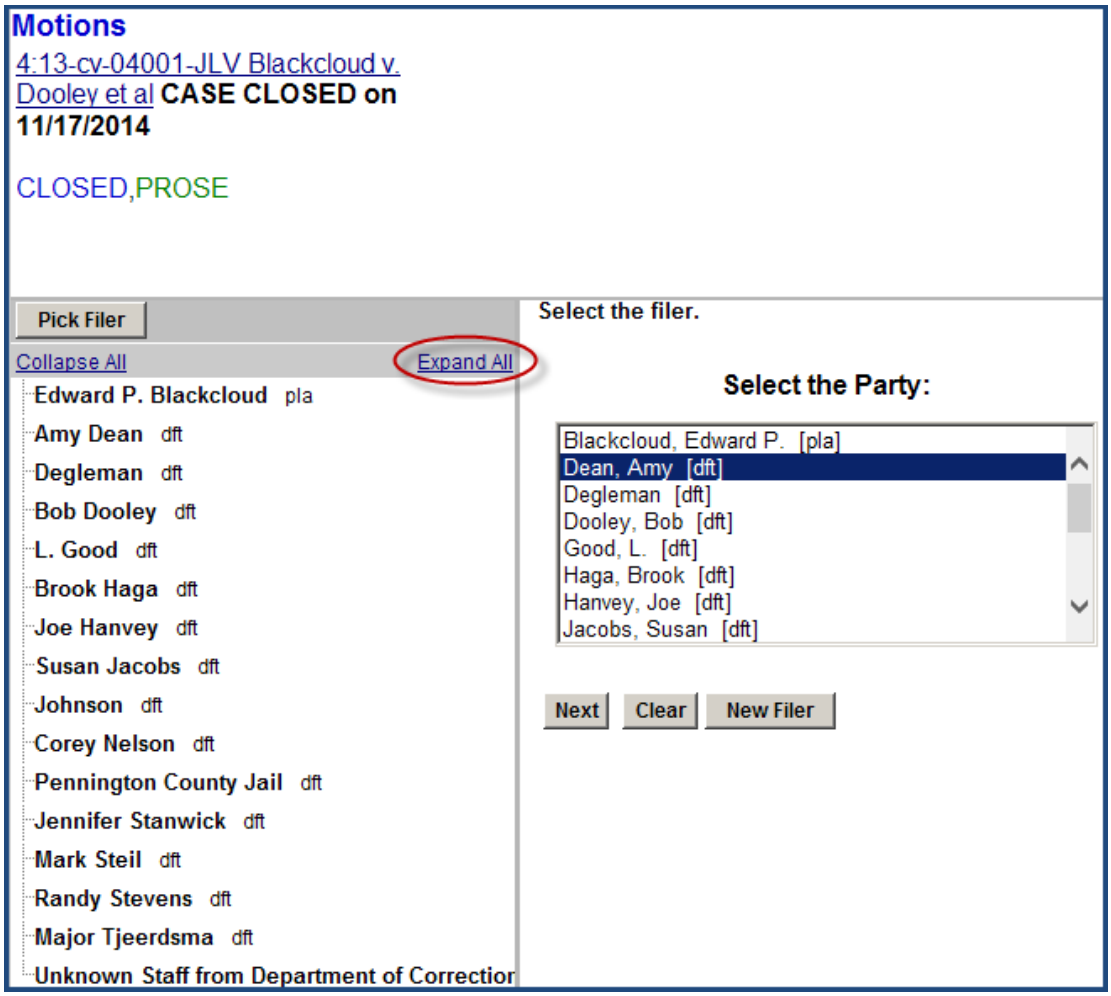


Do NOT click on the case number hyperlink on this screen unless you want to be routed to a **PACER Login** screen.

After verifying the case number is correct, click on **Next**.

4. The following screen is the **Filer** screen. It is divided into two panes.

The left pane is informational. It contains a party tree that can be expanded to include party and attorney information or collapsed by clicking on **Expand All**.

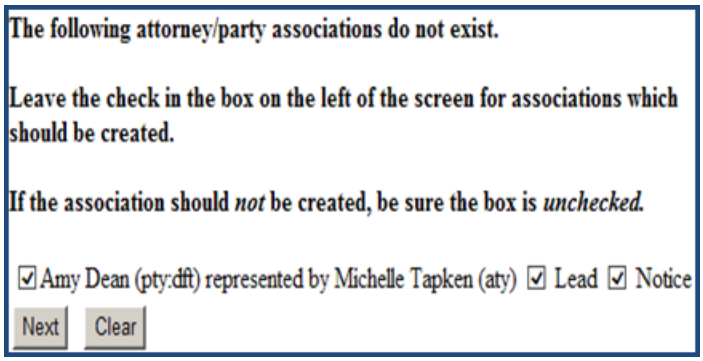


In the right pane, you are directed to select the party or parties for whom you are filing the motion from the list of parties currently in the case. If necessary, use the scroll bar to scroll through the list of parties. If the party you are looking for appears in the list, click on it so it is highlighted. To select more than one party, hold down the **Ctrl** key on your computer keyboard and select the additional party or parties so they are also highlighted in the list.

If the party you are looking for does not appear in the list, call the Clerk's Office at one of the numbers listed in the **HELP DESK** section of this user manual. The Clerk's Office will advise you regarding the appropriate steps to take.

When all of the appropriate parties are highlighted in the list, click on **Next**.

5. The first time you file a document in a civil case, you may see the following **Association** screen.



If you do, it's because the filing attorney is not associated with a party or parties selected on the previous screen.

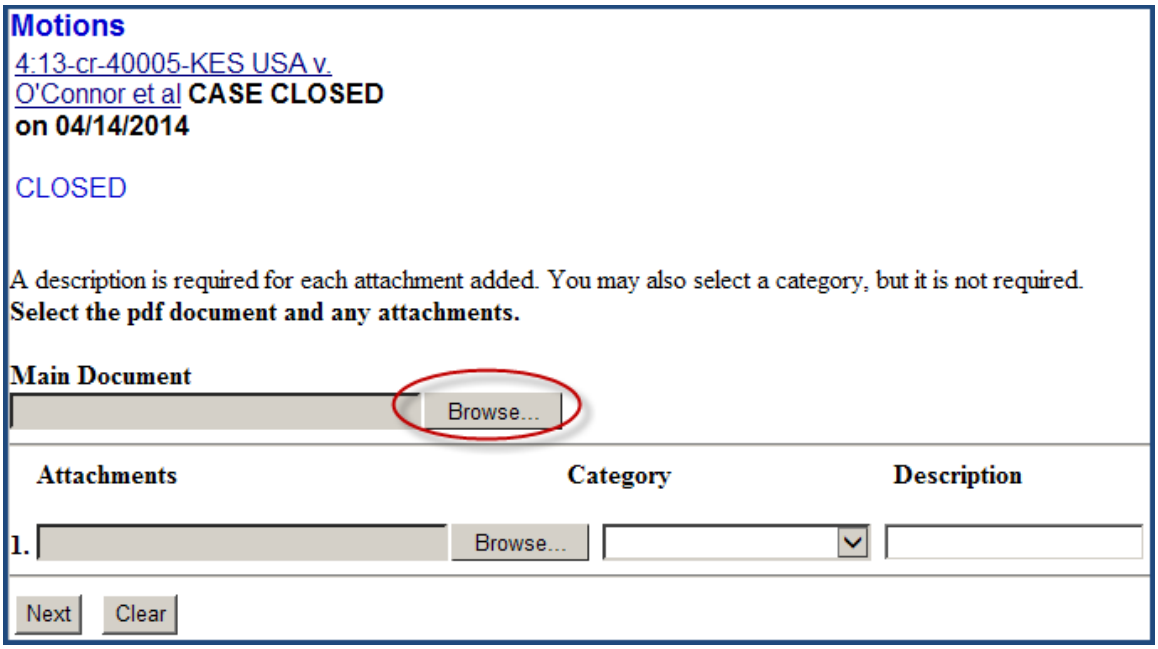
If you selected the wrong party on the previous screen, click your web browser's back arrow to go back to the previous screen and correct your selection.

If your selection on the previous screen was correct, make sure the checkbox on the left side of this screen is checked for each new attorney/party association that should be established. There are also checkboxes on the right side of this screen. If you are not lead counsel, you may uncheck the **Lead** checkbox.

IMPORTANT: You should never uncheck the **Notice** checkbox. If you do, the filing attorney might not receive electronic notice when something is filed in this case.

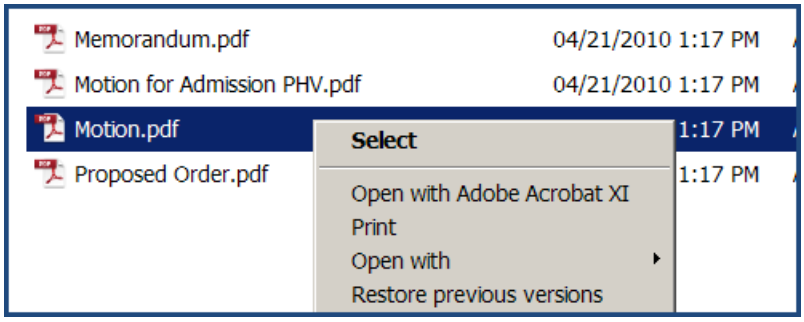
Click on **Next** to continue.

6. This is the **Attachment** screen. This screen allows you to attach the motion you are filing and any attachments you may have to the motion. Remember, the motion and any attachments you are filing must be in PDF format.

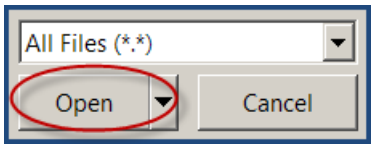


Click the **Browse** button next to the **Main Document** box and locate the saved motion.

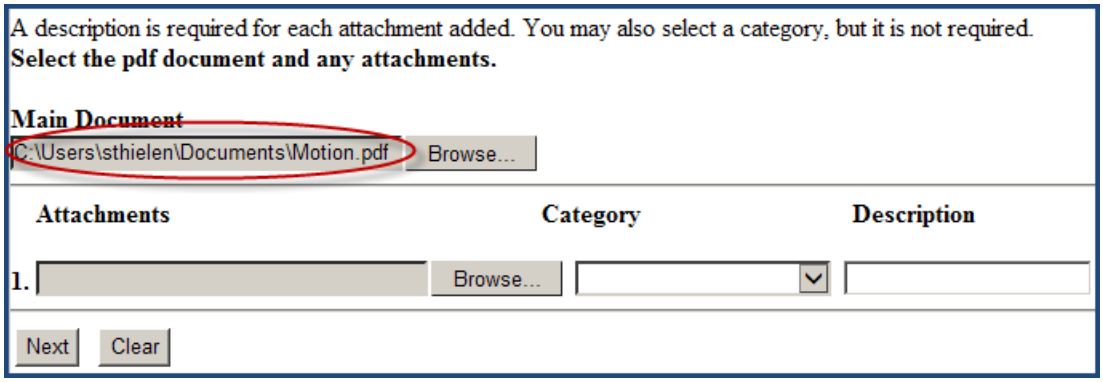
IMPORTANT: When you have located the saved motion, RIGHT click on the PDF document file and open it using Adobe Acrobat to confirm it is the document you intend to file and that it's properly signed.



After you have confirmed it is the correct document and that it's signed, close the document and click the **Open** button located in the lower right-hand part of your screen.



You will be taken back to the **Attachment** screen. You will now see the **Main Document** box has been populated with the PDF document file.



If you have attachments to the motion (*e.g.*, a proposed order, exhibits, etc.), they must each be scanned separately in PDF format and attached separately.

To attach an attachment to the motion, click the **Browse** button next to the first **Attachments** box and locate the saved attachment.

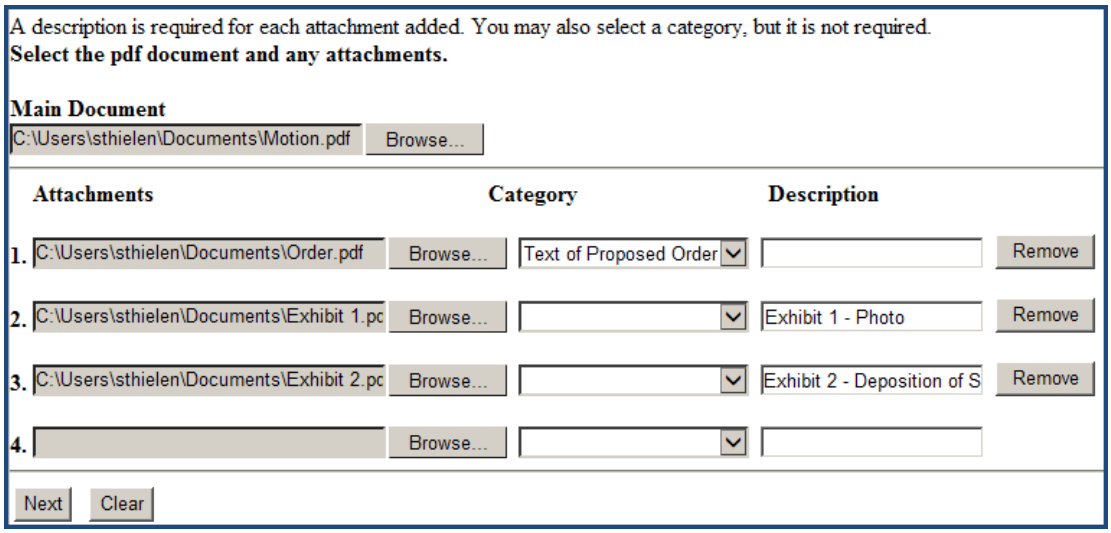
IMPORTANT: When you have located the saved attachment, RIGHT click on the PDF document file and open it using Adobe Acrobat to confirm it's the document you intend to file.

After you have confirmed it is the correct document, close the document. Click the **Open** button located in the lower right-hand part of the next screen.

You will be taken back to the **Attachment** screen where you will see the first **Attachments** box has been populated with the PDF document file.

All attachments must be properly described. Unless you are attaching a proposed order, skip the **Category** box and type a brief description of the attachment in the **Description** box. "Exhibit A – Photo" and "Exhibit 2 – Deposition of Shane Brown" are examples of properly described attachments. "Exhibit A" and "Exhibit 2" are examples of insufficiently described attachments.

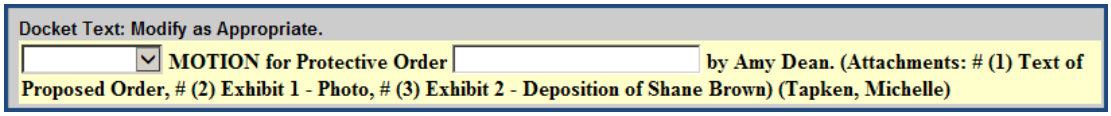
If you are attaching a proposed order, click the drop-down arrow for the **Category** box and select **Text of Proposed Order** from the list. In this instance, it is not necessary to include a description in the **Description** box.



When you are finished attaching and describing the *first* attachment, you can continue attaching as many additional attachments as you want—up to the 40MB limit. For more information on size limitations, see the **SIZE OF PDF DOCUMENTS** section of this user manual.

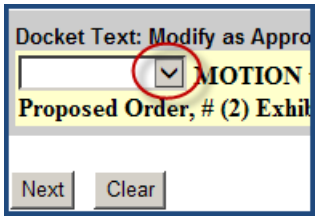
When you are finished attaching the motion and *all* of the attachments, click on **Next**.

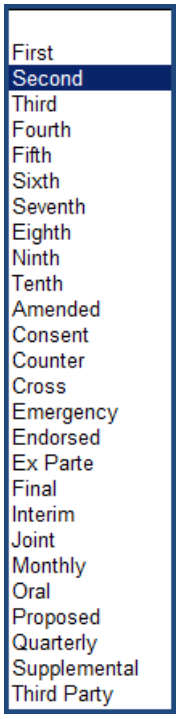
7. The following screen is the **Docket Text Modification** screen.



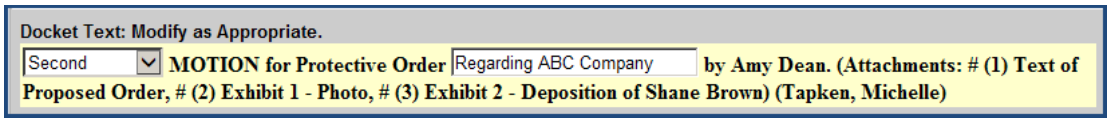
Depending on the motion event you initially selected, you will have a limited ability to modify the docket text that will appear on the docket sheet for the motion you are filing.

You can click on the drop-down arrow and select an appropriate modifier to describe the motion.





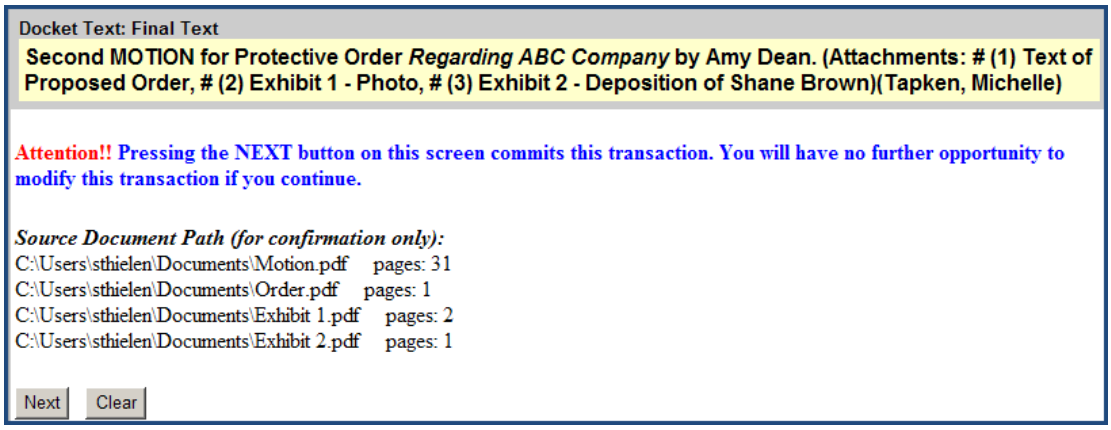
Otherwise, you can type descriptive text in an available text box. (Whatever you type in a text box will appear in *italics* in the final docket text.)



Although text boxes may not be located precisely where you would like them to be, feel free to utilize them wherever they are. Clerk's Office personnel can rearrange the docket text if necessary after you file the motion.

When you are finished modifying the docket text, click on **Next**.

This is the **Final Docket Text** screen. It shows you exactly how the docket entry for the motion you are filing will appear on the docket sheet. As much as possible, the title of the document you are filing should match the final docket text.


Docket Text: Final Text

Second MOTION for Protective Order *Regarding ABC Company* by Amy Dean. (Attachments: # (1) Text of Proposed Order, # (2) Exhibit 1 - Photo, # (3) Exhibit 2 - Deposition of Shane Brown)(Tapken, Michelle)

Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.

Source Document Path (for confirmation only):
C:\Users\sthielen\Documents\Motion.pdf pages: 31
C:\Users\sthielen\Documents\Order.pdf pages: 1
C:\Users\sthielen\Documents\Exhibit 1.pdf pages: 2
C:\Users\sthielen\Documents\Exhibit 2.pdf pages: 1

Next Clear

IMPORTANT: Do NOT click on the Next button on this screen until you are satisfied the docket text is correct!

If you see an error, click on your web browser's back arrow (you may have to click twice) and go back and correct the error. Otherwise, you can start over from the beginning by selecting the **Civil** menu on the blue menu bar.
When you are sure the docket text is correct, click **Next**.

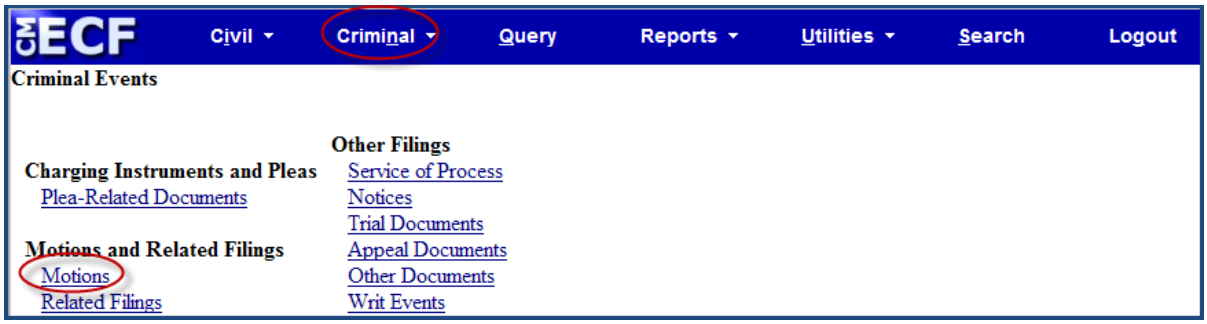
Congratulations! Your document is filed. The document (and any attachments) has been transmitted to the CM/ECF system.

The CM/ECF system will immediately send a receipt back to your computer screen verifying the document was received. For more information on the receipt, see **THE RECEIPT** section of this user manual.

In addition, the CM/ECF system will immediately send a Notice of Electronic Filing (NEF) via e-mail to each of the appropriate registered attorneys and case participants. For more information on the NEF, see **THE NEF** section of this user manual.

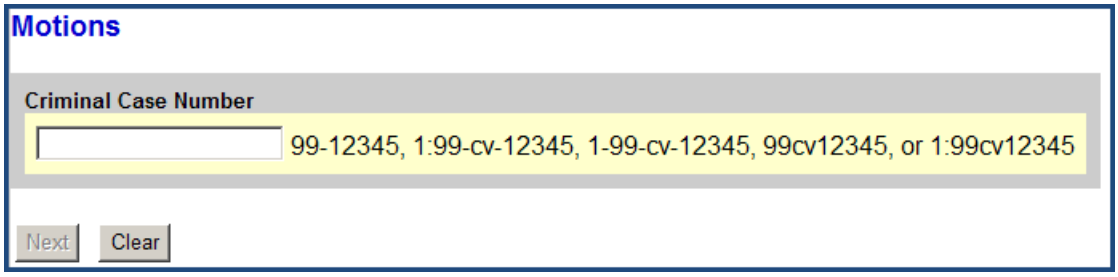
STEP-BY-STEP GUIDE FOR FILING A MOTION IN A CRIMINAL CASE

After logging into CM/ECF, select the **Criminal** menu on the blue menu bar to bring up the following **Criminal Events** menu.

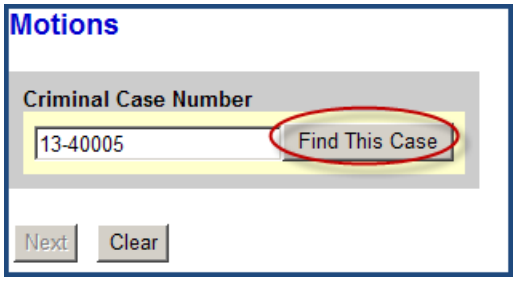


1. Click on **Motions** under the **Motions and Related Filings** to bring up the **Case Number** screen.

   The system will automatically insert the case number of the last case accessed during your current CM/ECF session in the **Criminal Case Number** box on this screen. Otherwise, if you (the filing attorney or authorized agent) haven't previously accessed a case or want to file in a different case, enter the number of the case in which the motion is to be filed in the **Criminal Case Number** box using any of the accepted formats.

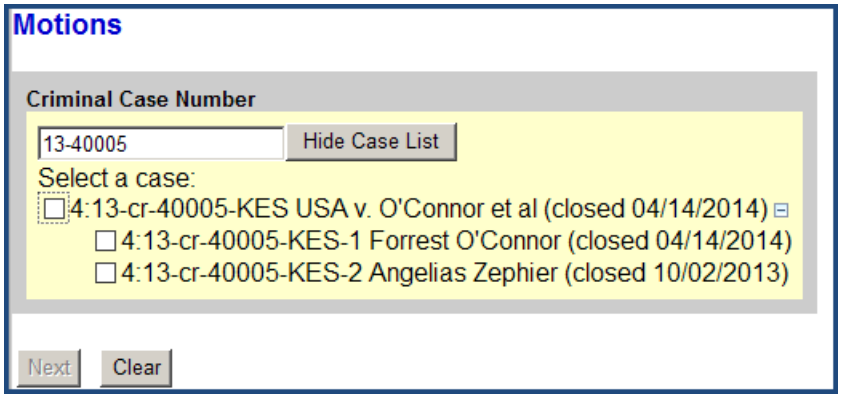


   When the criminal case number is entered, click on **Find This Case**.



2. If the case is a *single* defendant case, click on **Next**.

   If the case is a *multiple* defendant case, a checkbox for the main case, and checkboxes for each of the co-defendants' subcases will be displayed on the following screen.



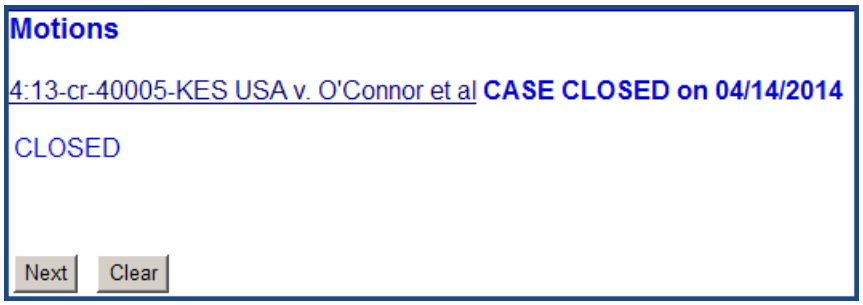
Defense Counsel should select their client's subcase on this screen.

Government Counsel should select the subcase for the defendant for whom the motion pertains. Otherwise, select the main case if the motion pertains to all of the defendants in the case.

If the main case is selected, the motion will appear on the docket sheet for the main case and on the docket sheets for each of the co-defendants' subcases. If one co-defendant's subcase is selected, the motion will appear on the docket sheet in *only* that one co-defendant's subcase and on the docket sheet for the main case. It will not appear on the docket sheets for any of the other co-defendants' subcases.

Click on **Next**.

3. The following **Case Number Verification** screen contains a hyperlink for the case number that was entered on the previous screen. This screen also includes any flags raised in the case and the date when the case was closed, if it was closed. Although a case may have been closed and a CLOSED flag was raised in the case, you can still e-file documents in a closed case. For more information on case flags, click on the **Utilities** menu on the blue menu bar and go to Court Information.

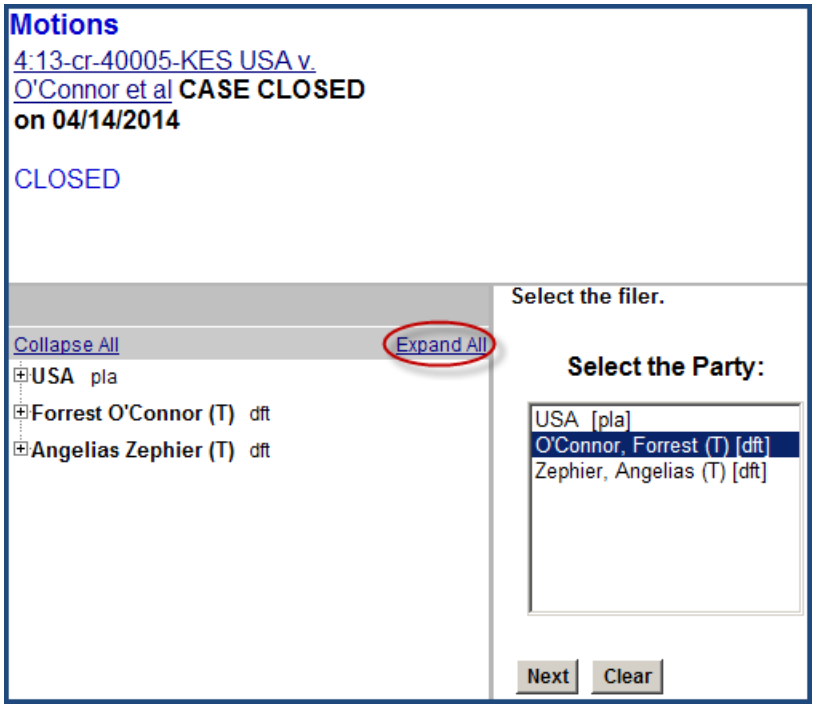


Do NOT click on the case number hyperlink on this screen unless you want to be rerouted to a **PACER Login** screen.

After verifying the case number is correct, click on **Next**.

4. The following screen is the **Filer** screen. It is divided into two panes.

   The left pane is informational. It contains a party tree that can be expanded to include party and attorney information or collapsed by clicking on **Expand All**.

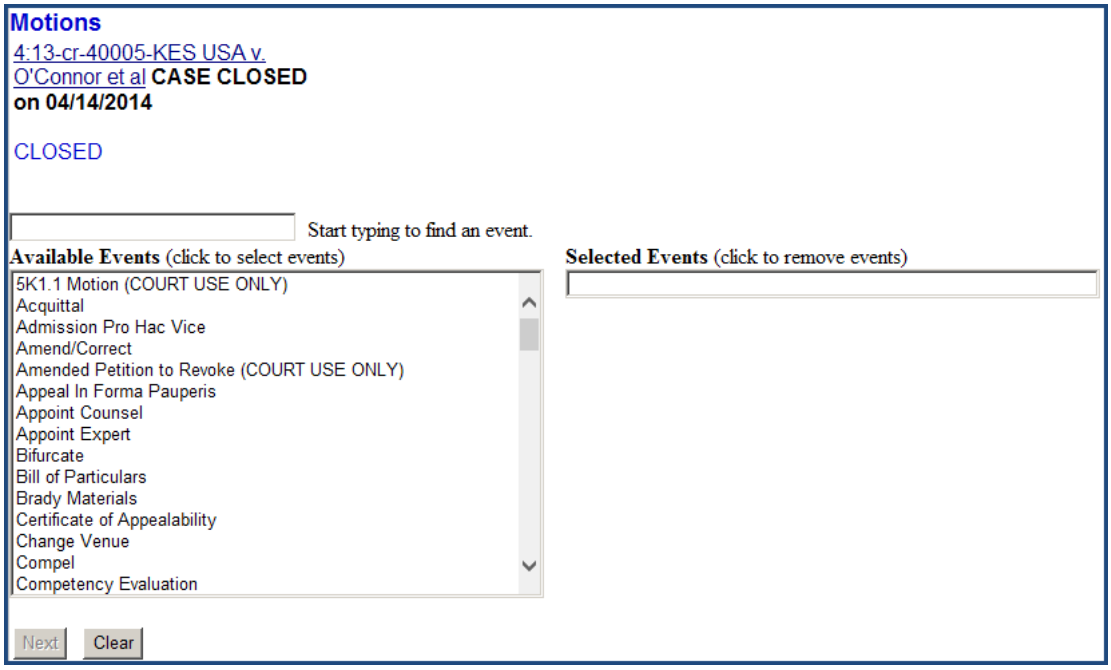


In the right pane, you are directed to select the party or parties for whom you are filing the motion from the list of parties currently in the case. If necessary, use the scroll bar to scroll through the list of parties. If the party you are looking for appears in the list, click on it so it is highlighted. To select more than one party, hold down the **Ctrl** key on your computer keyboard and select the additional party or parties so they are also highlighted in the list.

When all of the appropriate parties are highlighted, click on **Next**.

5. This is the **Motions** screen.

   You must choose an event when you e-file a document in CM/ECF. For more information on events, see the **EVENTS** section of this user manual. For a complete list of all the criminal motion events, see the Criminal Case Events List available on the district court's website at www.sdd.uscourts.gov.



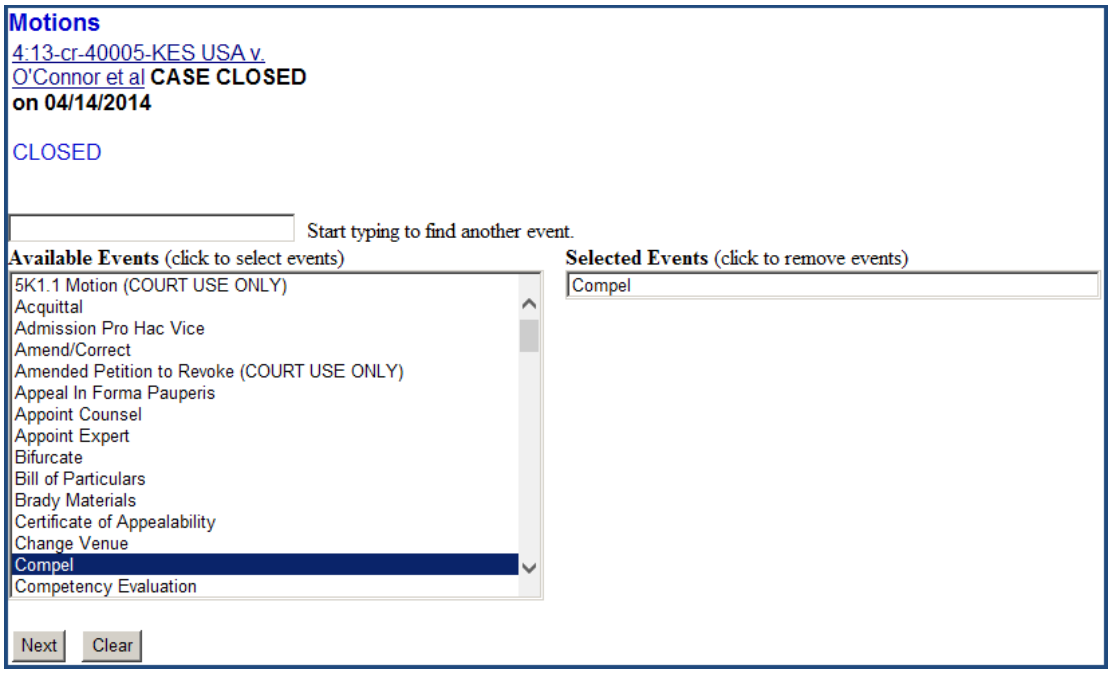
   Use the scroll bar to scroll through the **Available Events** list to find your desired motion event.

   Select the desired event by clicking on it. This will cause the motion event to move from the **Available Events** box on the left side of the screen to the **Selected Events** box on the right side or the screen.

   Alternatively, you may be able to more quickly find a desired motion event in the **Available Events** list by typing the first letter of the first word in its title or a few letters from any word in its title in the text box above the **Available Events** list. The **Available Events** list will collapse to include only those motion events containing the letter or letters entered.

   Another option for locating an event is clicking on the **Search** menu on the blue menu bar. For more information on the **Search** menu, see the **SEARCH MENU** section of this user manual.

   IMPORTANT: Never select an event identified as a "COURT USE ONLY" event.

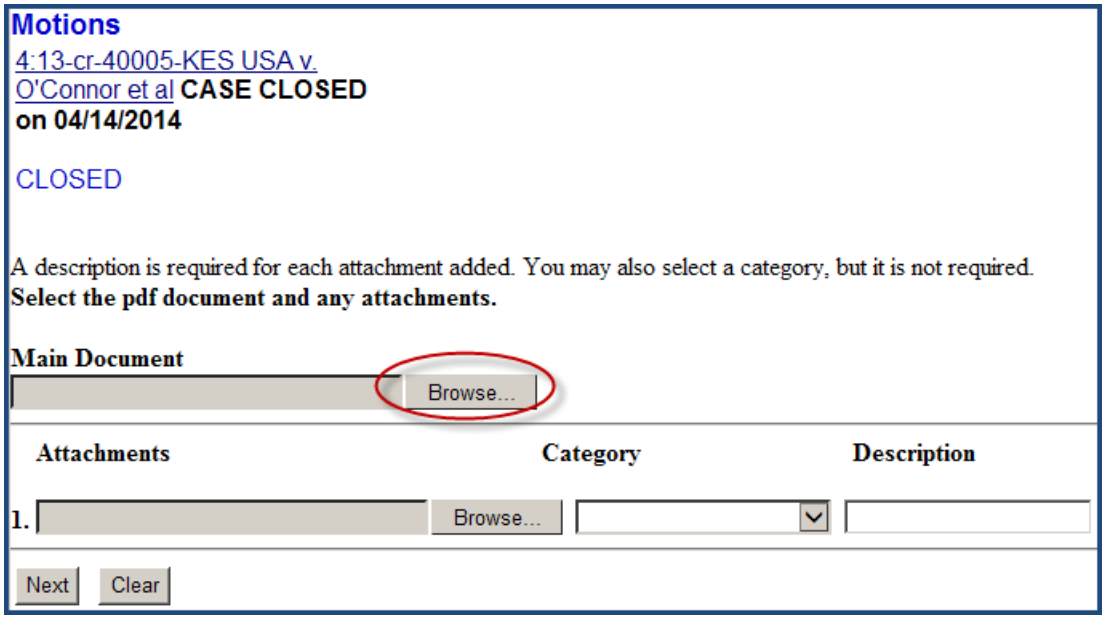


If a motion event is selected in error, it can be removed from the **Selected Events** box by clicking on it. The motion event will move back to the **Available Events** list.

When filing a multi-part motion, select all applicable motion events in the **Available Events** list so they all appear in the **Selected Events** box.

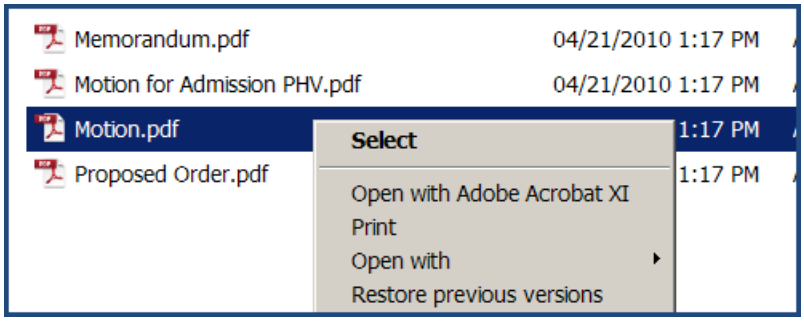
After selecting the desired motion event(s), click on **Next**.

6. This is the **Attachment** screen. This screen allows you to attach the motion you are filing and any attachments you may have to the motion. Remember, the motion and any attachments you are filing must be in PDF format.

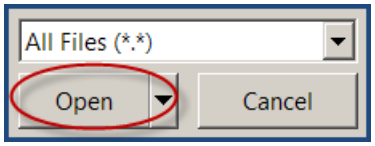


Click the **Browse** button next to the **Main Document** box and locate the saved motion.

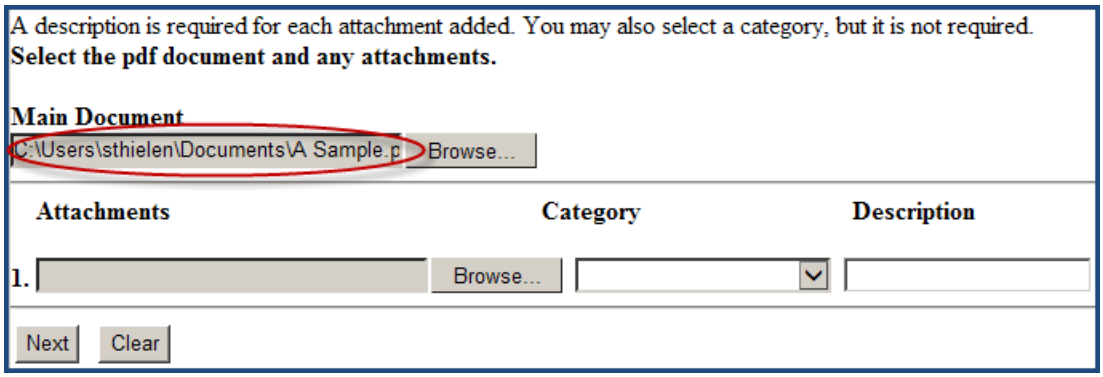
IMPORTANT: When you have located the saved motion, RIGHT click on the PDF document file and open it using Adobe Acrobat to confirm it is the document you intend to file and that it's properly signed.



After you have confirmed it is the correct document and that it's signed, close the document and click the **Open** button located in the lower right-hand part of your screen.



You will be taken back to the **Attachment** Screen. You will now see the **Main Document** box has been populated with the PDF document file.



If you have attachments to the motion (*e.g.*, a proposed order, exhibits, etc.), they must each be scanned in PDF format and attached separately *unless* they are multiple letters of support or multiple victim impact statements. Multiple letters of support and multiple victim impact statements should all be scanned together as one document and attached as one document.

To attach an attachment to the motion, click the **Browse** button next to the first **Attachments** box and locate the saved attachment.

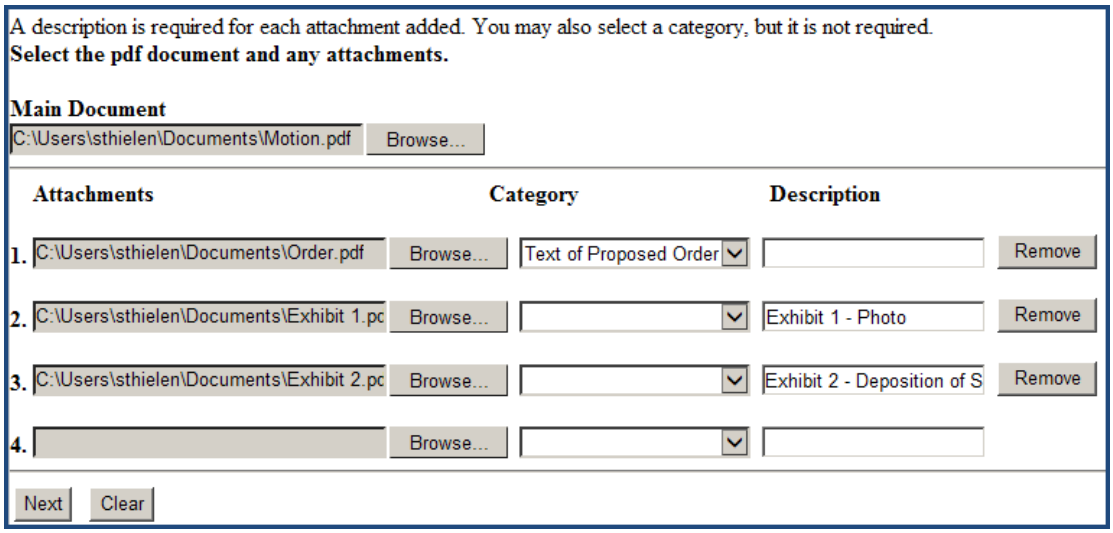
IMPORTANT: When you have located the saved attachment, RIGHT click on the PDF document file and open it using Adobe Acrobat to confirm it's the document you intend to file.

After you have confirmed it is the correct document, close the document. Click the **Open** button located in the lower right-hand part of the next screen.

You will be taken back to the **Attachment** Screen where you will see the first **Attachments** box has been populated with the PDF document file.

All attachments must be properly described. Unless you are attaching a proposed order, skip the **Category** box and type a brief description of the attachment in the **Description** box. "Exhibit A – Photo" and "Exhibit 2 – Deposition of Shane Brown" are examples of properly described attachments. "Exhibit A" and "Exhibit 2" are examples of insufficiently described attachments.

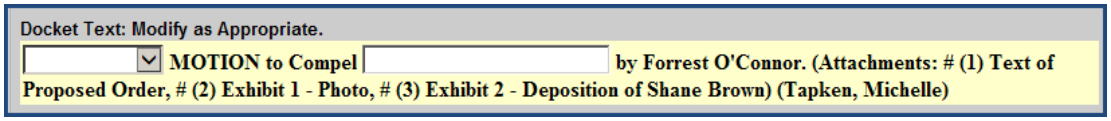
If you are attaching a proposed order, click the drop-down arrow for the **Category** box and select **Text of Proposed Order** from the list. In this instance, it is not necessary to include a description in the **Description** box.



When you are finished attaching and describing the *first* attachment, you can continue attaching as many additional attachments as you want—up to the 40MB limit. For more information on size limitations, see the **SIZE OF PDF DOCUMENTS** section of this user manual.

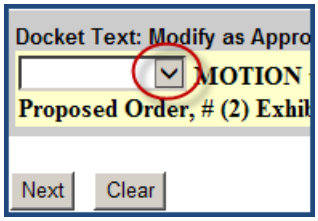
When you are finished attaching the motion and *all* of the attachments, click on **Next**.

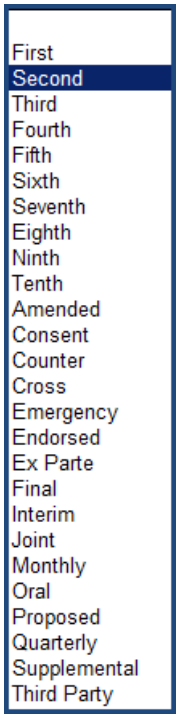
7. The following screen is the **Docket Text Modification** screen.



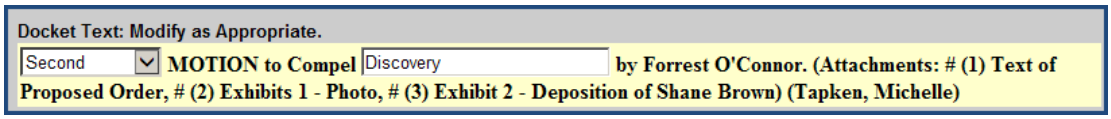
Depending on the motion event you initially selected, you will have a limited ability to modify the docket text that will appear on the docket sheet for the motion you are filing.

You can click on the drop-down arrow and select an appropriate modifier to describe the motion.





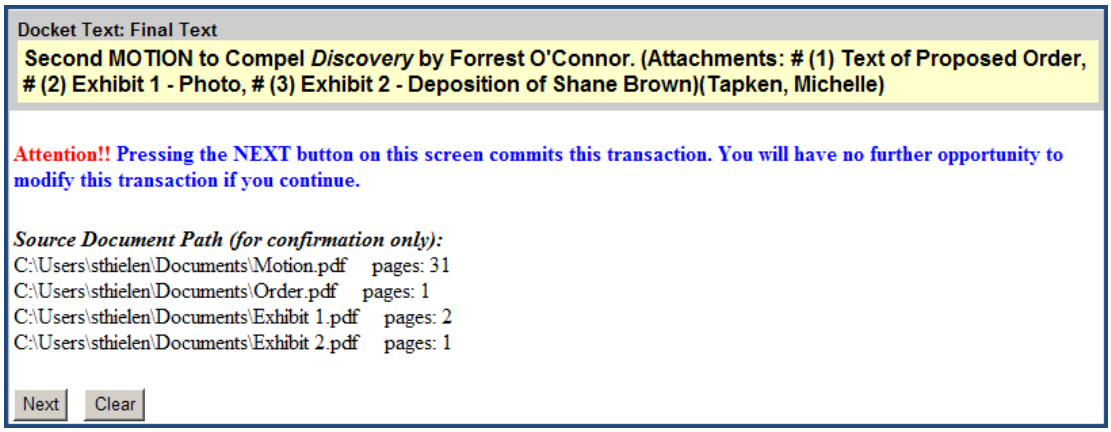
Otherwise, you can type descriptive text in an available text box. Whatever you type in a text box will appear in *italics* in the final docket text.



Although text boxes may not be located precisely where you would like them to be, feel free to use them wherever they are. Clerk's Office personnel can rearrange the docket text if necessary after you file the motion.

When you are finished modifying the docket text, click **Next**.

8. This the **Final Docket Text** screen. It shows you exactly how the docket entry for the motion you are filing will appear on the docket sheet. As much as possible, the title of the document you are filing should match the final docket text.


Docket Text: Final Text

Second MOTION to Compel *Discovery* by Forrest O'Connor. (Attachments: # (1) Text of Proposed Order, # (2) Exhibit 1 - Photo, # (3) Exhibit 2 - Deposition of Shane Brown)(Tapken, Michelle)

Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.

Source Document Path (for confirmation only):
C:\Users\sthielen\Documents\Motion.pdf pages: 31
C:\Users\sthielen\Documents\Order.pdf pages: 1
C:\Users\sthielen\Documents\Exhibit 1.pdf pages: 2
C:\Users\sthielen\Documents\Exhibit 2.pdf pages: 1

Next Clear

IMPORTANT: Do NOT click on the Next button on this screen until you are satisfied the docket text is correct!

If you see an error, click on your web browser's back arrow (you may have to click twice) and go back and correct the error. Otherwise, you can start over from the beginning by selecting the **Criminal** menu on the blue menu bar.

When you are sure the docket text is correct, click **Next**.

Congratulations! Your document is filed. The document (and any attachments) has been transmitted to the CM/ECF system.

The CM/ECF system will immediately send a receipt back to your computer screen verifying the document was received. For more information on the receipt, see **THE RECEIPT** section of this user manual.

In addition, the CM/ECF system will immediately send a Notice of Electronic Filing (NEF) via e-mail to each of the appropriate registered attorneys and case participants. For more information on the NEF, see **THE NEF** section of this user manual.

THE RECEIPT

As soon as the CM/ECF system receives an electronically filed document, the system sends a receipt back to the filer's computer verifying the document was received.

The receipt includes information about the document that was filed, including the following:

- Date and time (CST) of filing;
- Case Name;
- Case Number;
- Filer;

- Document Number;
- Docket Text;
- A list of case participants who will receive electronic notice of the document; and
- A list of unregistered case participants who must be sent hard copies of the document.

Motions
4:13-cr-40005-KES USA v. O'Connor et al **CASE CLOSED on 04/14/2014**

CLOSED

U.S. District Court

District of South Dakota

Notice of Electronic Filing

The following transaction was entered on 12/6/2015 at 11:01 AM CST and filed on 12/6/2015
Case Name: USA v. O'Connor et al
Case Number: 4:13-cr-40005-KES
Filer: Dft No. 1 - Forrest O'Connor
Document Number: 60

Docket Text:
Second MOTION to Compel *Discovery* by Forrest O'Connor. (Attachments: # (1) Text of Proposed Order, # (2) Exhibits 1 - Photo, # (3) Exhibit 2 - Deposition of Shane Brown)(Tapken, Michelle)

4:13-cr-40005-KES-1 Notice has been electronically mailed to:

Jack Der Hagopian jack@derhagopianlaw.com, derhagop@sio.midco.net, michelle@derhagopianlaw.com

Jason J. Tupman Jason_Tupman@fd.org, bonnie_woolam@fd.org, jann_brakke@fd.org, lynn_nicolai@fd.org, molly_quinn@fd.org

Thomas J. Wright Thomas.Wright2@usdoj.gov, Janice.Long@usdoj.gov, marlys.bigeagle@usdoj.gov, Patrice.Hink@usdoj.gov, sonia.larson@usdoj.gov, Terri.Mielenz@usdoj.gov

4:13-cr-40005-KES-1 This document must be sent in hard copy to:

Michelle G. Tapken
301 Brazos Street #1603
Austin, TX 78701-4017

IMPORTANT: Any persons listed under the "This document must be sent in hard copy to" section of the NEF did NOT receive electronic notice of the document when it was filed. Those persons listed in this section who are entitled to receive notice of this document in accordance with the Federal Rules of Procedure and the local rules of practice of this court must be served by traditional means.

The receipt can be printed or saved for future reference.

THE NEF

When an *unrestricted* document is electronically filed in CM/ECF, a Notice of Electronic Filing (NEF) is immediately transmitted via e-mail to all registered attorneys and case participants. The NEF contains the same information as the receipt discussed in **THE RECIEPT** section of this user manual, including an active hyperlink for viewing the e-filed document. As long as the e-filed document is not restricted, the *first* time the recipient of an NEF clicks on the document number hyperlink contained in the NEF, he or she can look at the document and any attachments for free. The recipient should print or save a copy of the document and any attachments at this time because they will be charged PACER access fees to look at it another time. Free access expires after 15 days.

For more information on viewing *restricted* documents, see the **ACCESSING RESTRICTED DOCUMENTS** section of this user manual.

Attorneys and case participants registered with CM/ECF may receive an NEF when docket activity occurs in a case, even when a document was not actually filed in a case. In this instance, the NEF will notify the recipient of the docket activity, but the NEF will not contain a hyperlink to a document.

An NEF can be printed or saved for future reference.

FILING OTHER DOCUMENTS

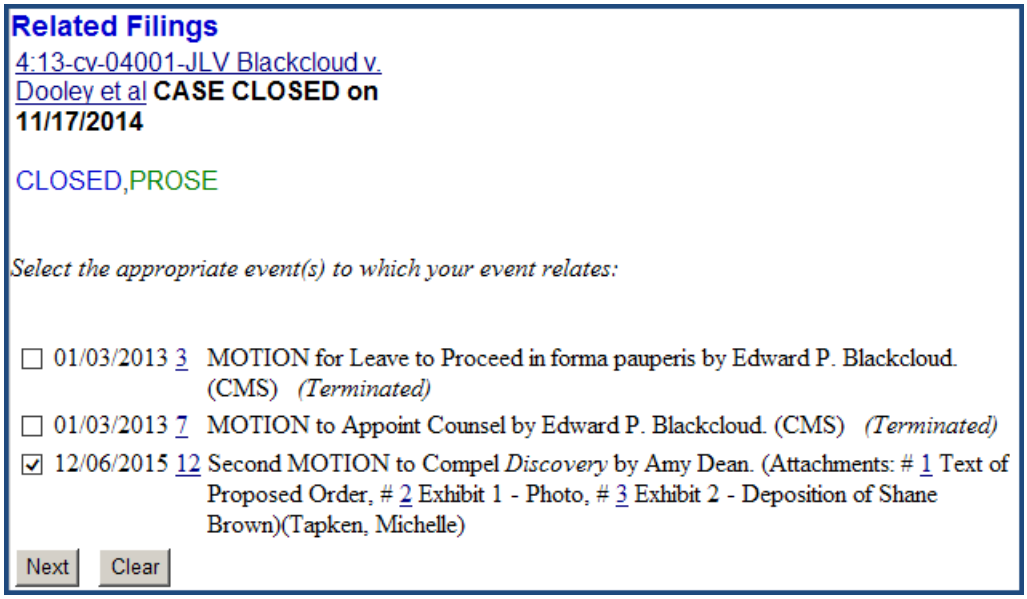
All documents with a case caption (*e.g.*, memoranda, affidavits, etc.) should be e-filed separately so they create separate docket entries on the docket sheet. In other words, they should not be attached to another document with a case caption.

Electronically filing other documents in CM/ECF is similar to electronically filing motions in CM/ECF.

The events for e-filing documents related to a motion are usually found under **Related Filings** on the **Civil Events** menu.

And under **Related Filings** on the **Criminal Events** menu.

Events on the **Related Filings** menus allow the filer to "link" the document they are filing to the motion to which it relates on a **Linkage** screen similar to the following:



When electronically filing a document such as a memorandum or an affidavit that is related to a motion that has already been filed in CM/ECF, it is important for the filer to create a link between the related documents. Prior to ruling on a motion, the court frequently runs a **Pending Motions Report** in CM/ECF. This report includes all of the documents filed in CM/ECF that

are linked to a particular pending motion. Linking related documents to a pending motion ensures that the court considers all of the related documents when ruling on the pending motion.

Memoranda filed in relation to a motion are normally filed using the following sequence of events:

1. Motion;
2. Memorandum in Support of Motion;
3. Memorandum in Opposition to Motion; and
4. Reply to Motion Response.

When a party who has electronically filed an original motion also files a reply, the reply should be linked back to the original *motion*, and NOT to a *response* to the original motion.

Please call the Clerk's Office at one of the numbers listed in the **HELP DESK** section of this user manual if you have any questions regarding which event to use to e-file a document in CM/ECF.

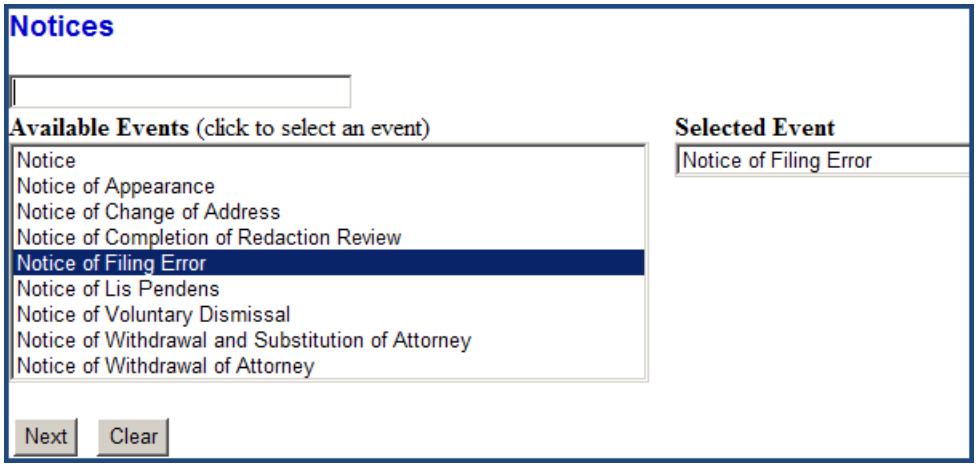
IMPORTANT: Discovery requests and responses and Fed. R. Civ. P. 26(a)(1) and (2) materials should NOT be filed in CM/ECF, unless ordered by the court. If discovery materials are necessary for the disposition of a motion, the relevant portions should be attached to a supporting memorandum or affidavit. See, D.S.D. Civ. LR 26.1.

DOCUMENTS FILED IN ERROR

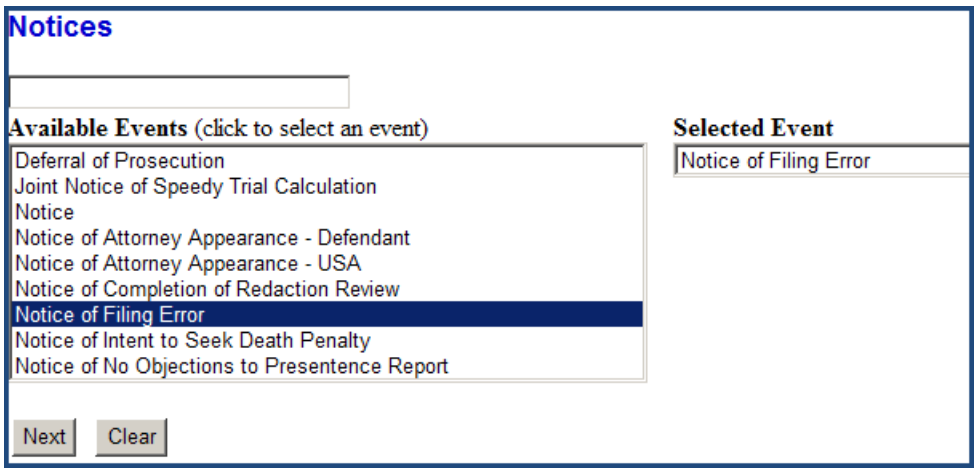
Documents can be filed in error for any number of reasons. Some of the most common reasons include, selecting the wrong event, filing in the wrong case, or attaching the wrong PDF document. When a filing attorney realizes or is told by someone in the Clerk's Office that he or she has filed a document in error they may need to file a Notice of Filing Error. When someone files a Notice of Filing Error in CM/ECF a document is not actually filed. Instead, a notation is added to the docket sheet indicating that a particular previously filed document linked to the Notice of Filing Error was filed in error and should be disregarded. Following is an example of a Notice of Filing Error notation on the docket sheet in a case.

NOTICE of Filing Error: 60 Motion to Compel was filed in error and should be disregarded. (SST) (Entered: 12/06/2015)

The Notice of Filing Error event is located under **Notices** on the **Civil Events** menu.



And under **Notices** on the **Criminal Events** menu.



After filing a Notice of Filing Error, if appropriate, correctly re-file the document.

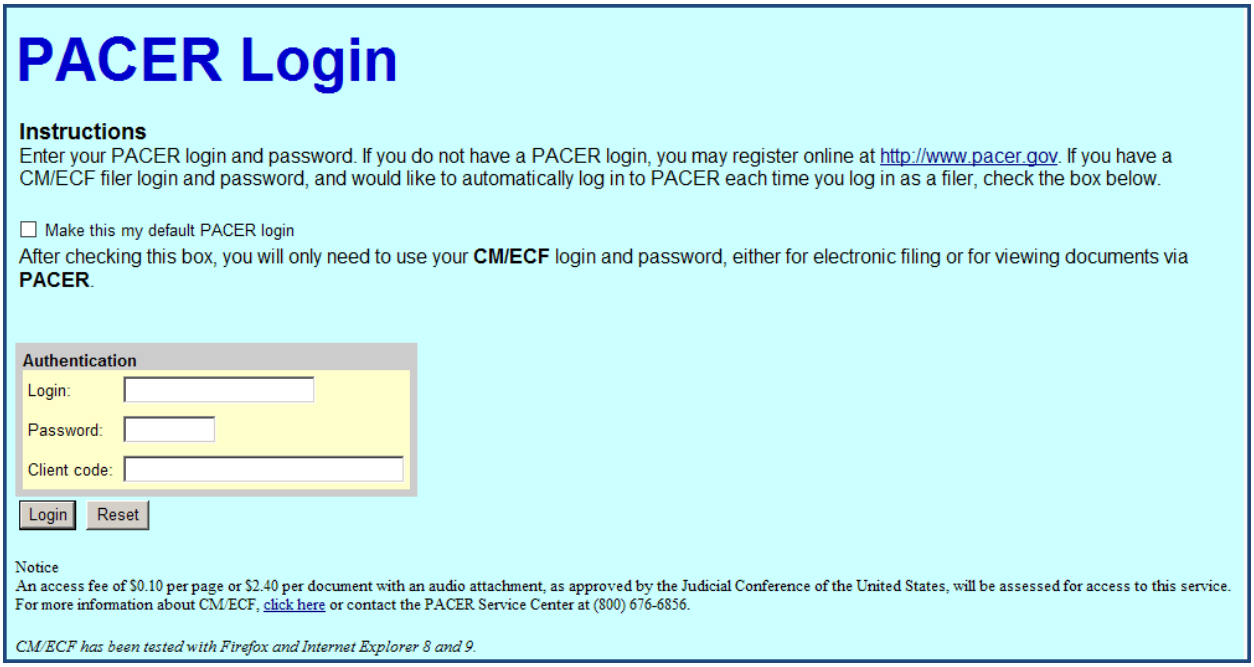
IMPORTANT: Filing a Notice of Filing Error does not seal the document that was filed in error. If the document that was filed in error should be sealed, the filer must also file a motion to seal it.

3. OTHER CM/ECF MENU OPTIONS

In addition to the **Civil** menu and the **Criminal** menu options on the blue CM/ECF menu bar, there are other menu options available. Following is a discussion of those other menu options.

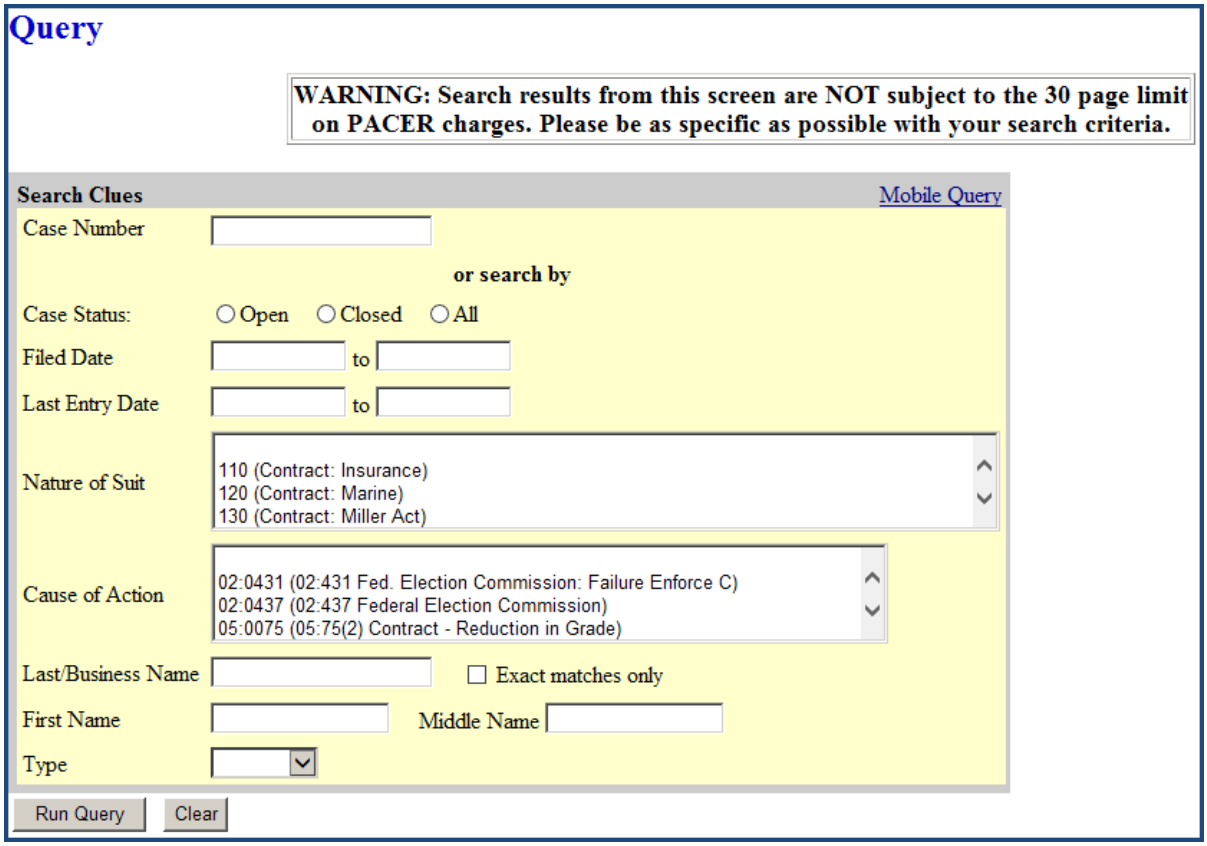
QUERY MENU

Clicking on the **Query** menu on the blue menu bar in CM/ECF takes you to the following **PACER Login** screen where you are required to log in using a PACER login and password obtained from the PACER Service Center to look at documents and other case information in CM/ECF. You may want to enter a client code in the **Client code** box on this screen for billing purposes. For more information on PACER, see the **PACER** section of this user manual.



When you are logged into PACER, you will see the following **Search Clues** Screen. Applicable PACER access fees apply.

WARNING: Search results are NOT subject to the 30 page billing cap for PACER access fees. You should be as specific as possible with your search criteria.



Queries can be run by entering search criteria on the **Search Clues** screen.

Following is an explanation of the search criteria on this screen.

- **Case Number:** The number of the last case you queried in the pending CM/ECF session will automatically appear in this field. If you want to query a different case, type the new case number in this field using one of the following accepted formats: YY-#####, O:YY-TY-#####, O-YY-TY-#####, YYTY#####, O:YYTY#####, where O=office code, YY=year, TY=type (cv for civil or cr for criminal), and #####=number. When you click on **Find This Case**, CM/ECF will check to see if such a case exists. If multiple cases exist with the case number entered, they will all be displayed. Select a case by clicking its associated checkbox. If you click **Hide Case List**, the list will be hidden but will be displayed again if you click **Show Case List**.

- **Case Status:** To find a case based on its status, click on the associated status button.

- **Filed Date:** To find a case based on when it was filed, enter beginning and ending dates in these fields.

- **Last Entry Date:** To find a case based on the most recent docket entry, enter beginning and ending dates in these fields.

- **Nature of Suit:** To find a case based on its nature of suit in a civil case, select a value from the list. To select multiple values, hold down the **Ctrl** key on your computer keyboard and locate the additional values using the scroll bar.

- **Cause of Action:** To find a case based on its cause of action in a civil case, select a value from the list. To select multiple values, hold down the **Ctrl** key on your computer keyboard and locate the additional values using the scroll bar

- **Last/Business Name:** To find a party (including a business) or an attorney entered in the CM/ECF system, enter a search string beginning with the first two letters of the party's or attorney's last name. You can use an asterisk as a substitute for an unknown letter, *e.g.*, Jo*s will return Jones, Johnson, and Joseph. This field is not case sensitive. You can enter either lowercase or uppercase letters.

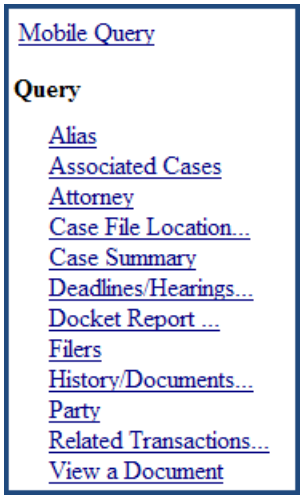
- **First Name/Middle Name:** These fields only work in conjunction with the Last/Business Name field.

- **Exact Matches Only:** When this box is checked, the query will only return exact matches to the search string entered in the Last/Business Name field.

- **Type:** If you leave this field blank, the query results will include both attorneys and parties. Otherwise, you can select either Attorney or Party from the drop-down list.

When you are finished entering your search criteria, click on **Run Query** at the bottom of the screen.

What displays on the following screen depends on the type of search criteria you entered on the previous **Search Clues** Screen. For example, if you entered a case number and the system contains more than one case with that case number, you will be required to select a specific case from a list of cases with that case number on the next screen. When you have finally narrowed your search to one specific case, you will see the following **Query** screen:



Following is a brief explanation of each of the options on the **Query** screen. Remember, applicable PACER access fees apply.

- **Mobile Query:** Links to an interface that provides limited CM/ECF information from a mobile device. For more information on Mobile Query see the CM/ECF Version 6.1 User Guide for Attorneys available on the district court's website at www.sdd.uscourts.gov.

- **Alias:** Displays aliases for parties who have aliases.

- **Associated Cases:** Displays a list of associated cases. Click on a case number hyperlink to look at the docket sheet for an associated case.

- **Attorney:** Displays a list of all active and terminated attorneys in the case.

- **Case File Location:** Not used.

- **Case Summary:** Displays summary information for the case.

- **Deadlines/Hearings:** Displays a list of all deadlines and hearings scheduled in the case, sorted according to your specifications. You can select pending deadlines/hearings and/or terminated/satisfied deadlines/hearings. Clicking on a silver ball icon shows you the docket entry when a particular deadline or hearing was scheduled. Clicking on the document number hyperlink associated with the docket entry allows you to look at the document in which the deadline or hearing was scheduled.

- **Docket Report:** Displays the formatted docket sheet with hyperlinks to individual documents. You may have options to look at or download selected documents. See the

Docket Sheet section of this user manual for more information on selecting criteria for running a docket report.

- **Filers:** Displays a list of all filers associated with the case. Clicking on a particular filer's name, displays a list of documents filed by that filer. Clicking on a document number hyperlink allows you to look at the document that was filed. Clicking on a silver ball icon shows you docket information and related docket entries.

- **History/Documents:** Displays a list of all events docketed in the case sorted according to your specifications. You can select all events (history) or only events with documents. Clicking on a document number hyperlink allows you to look at a document. Clicking on a silver ball icon shows you the full docket text associated with a docket entry.

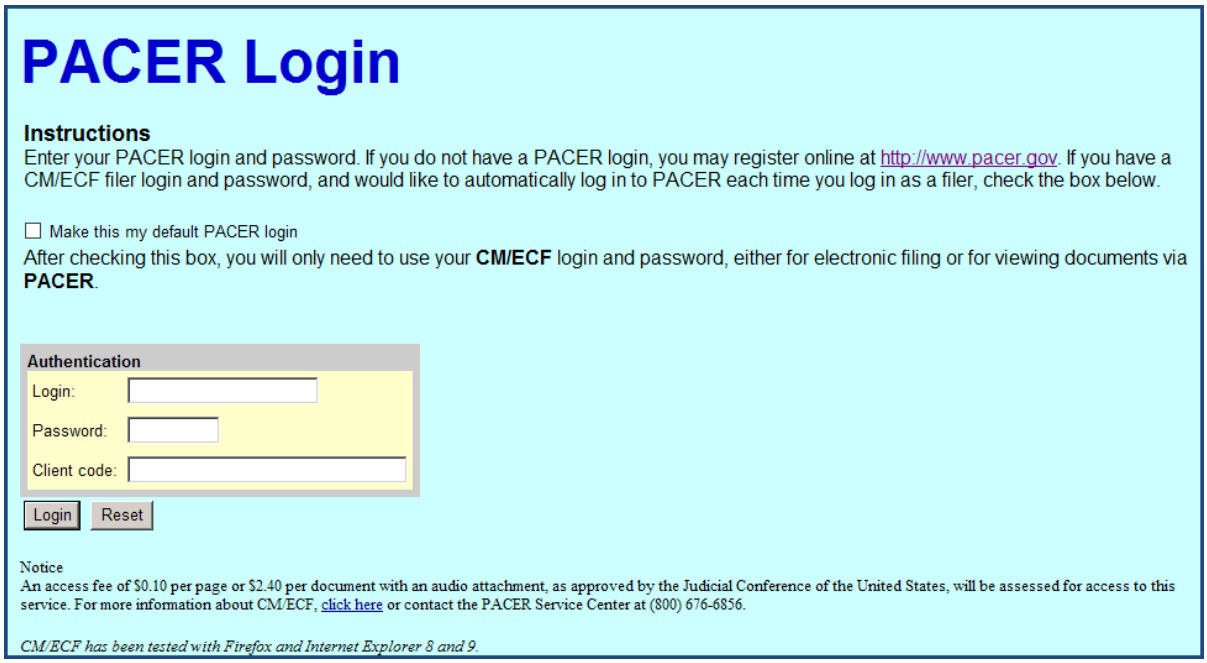
- **Party:** Displays a list of active and terminated parties and their attorneys.

- **Related Transactions:** Displays a list of all events docketed in the case sorted according to your specifications. Docket entries that are "linked" to one another are group together. Clicking on a document number hyperlink allows you to look at an actual document. Clicking on a silver ball icon shows you the full docket text associated with a particular docket entry and all of its related docket entries.

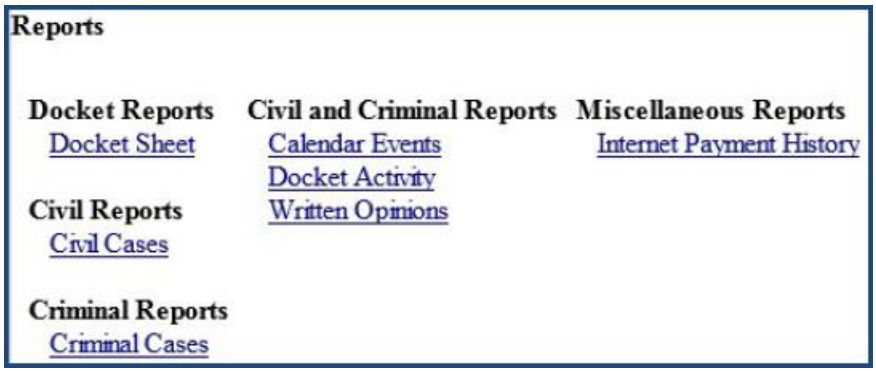
- **View a** Document**:** Allows you to look at a document by entering its docket number. Also allows you to look at a specific page in the document by entering its PageID #.

REPORTS MENU

Clicking on the **Reports** menu on the blue menu bar in CM/ECF takes you to the following **PACER Login** screen where you are required to log in using a PACER login and password obtained from the PACER Service Center to look at documents and other case information in CM/ECF. You may want to enter a client code in the **Client code** box on this screen for billing purposes. For more information on PACER, see the **PACER** section of this user manual.



When you are logged into PACER, you will see the following **Reports** Screen.

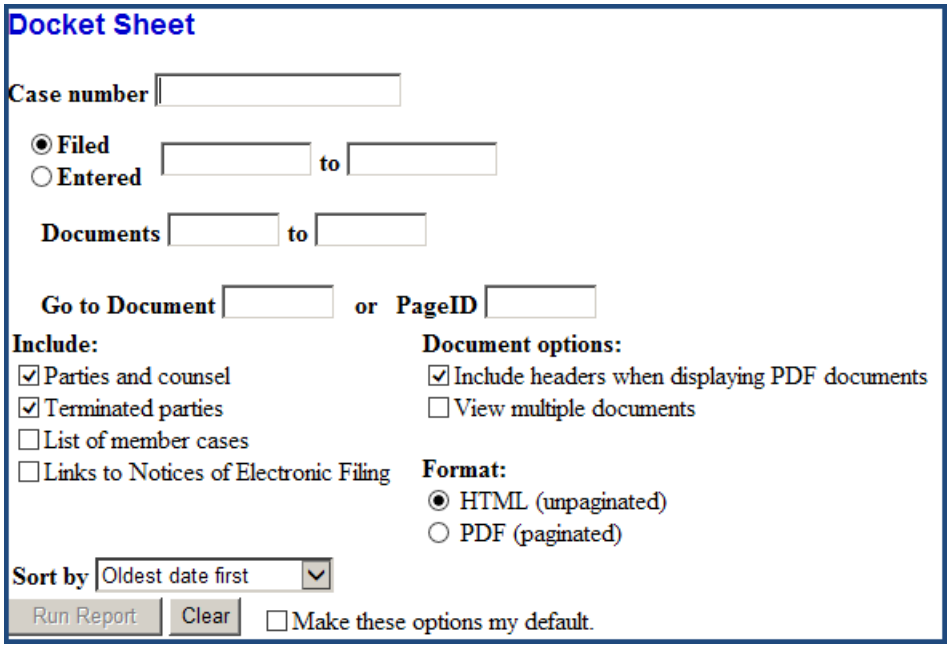


Following is a description of the various reports available on the **Reports** screen. Applicable PACER access fees apply.

WARNING: Reports are NOT subject to the 30 page billing cap for PACER access fees. You should be as specific as possible with your search criteria.

Docket Sheet

Clicking on the **Docket Sheet** report brings up the following screen.



Following is an explanation of the search criteria available on the **Docket Sheet** screen.

- **Case Number**: The number of the last case you queried in the pending CM/ECF session may automatically appear in this field. If you want to see a docket sheet in a different case, type the new case number in this field using one of the following accepted formats: YY-#####, O:YY-TY-#####, O-YY-TY-#####, YYTY#####, O:YYTY#####, where O=office code, YY=year, TY=type (cv for civil or cr for criminal), and #####=number. When you click on **Find This Case**, CM/ECF will check to see is such a case exists. If multiple cases exist with the case number entered, they will all be displayed. Select a case by clicking its associated checkbox. If you click **Hide Case List**, the list will be hidden but will be displayed again if you click **Show Case List**.

- **Filed/Entered**: To request entries by date, enter beginning and ending dates in these fields.

- **Documents**: To request entries by docket number, enter beginning and ending docket numbers in these fields.

- **Go to Document or Page ID**: Allows you to request a document filed in CM/ECF by entering the document number. Also allows you to request a specific page in the document by entering its PageID #.

- **Parties and counsel**: Check this box to include all parties and their attorneys.

- **Terminated parties**: Check this box to include all terminated parties.

- **List of member cases**: Check this box to include a list of all cases that have been joined or associated with this case such as consolidated cases and Multidistrict Litigation (MDL) cases.

- **Links to Notices of Electronic Filing**: Check this box to be able to look at Notices of Electronic Filing (NEFs). Click on the silver ball icon next to a particular docket entry on the docket sheet to look at the associated NEF.

- **Include headers when displaying PDF documents**: Check this box if you want headers to display on each page of a document you look at. Each header includes the case number, document number, date filed, total number of pages filed, and PageID # and looks similar to the following:

  Case 3:14-cv-03001-CBK Document 14 Filed 09/23/14 Page 1 of 1 PageID #: 85

- **View multiple documents**: Check this box if you want to look at multiple documents on the docket sheet as one document. You will be able to choose either **View Selected** or **Download Selected** documents.

- **Format**: Allows you to choose either an unpaginated (HTML) or paginated (PDF) docket sheet. (If you previously selected **View multiple documents,** this option disappears and an HTML (unpaginated) docket sheet will be produced.

- **Sort by**: Allows you to sort the docket entries on the docket sheet by Oldest date first, Most recent date first, or Document number.

- **Make these options my default**: After selecting all of your options, you can click this box so you won't have to reselect the same options the next time you look at a docket sheet. In addition to selecting your options and clicking this box, you *must* click on **Run Report** to save your default selections.

IMPORTANT: When you click on **Run Report** at the bottom of the screen, the docket sheet will be displayed and you are automatically charged applicable PACER access fees to look at the docket sheet.

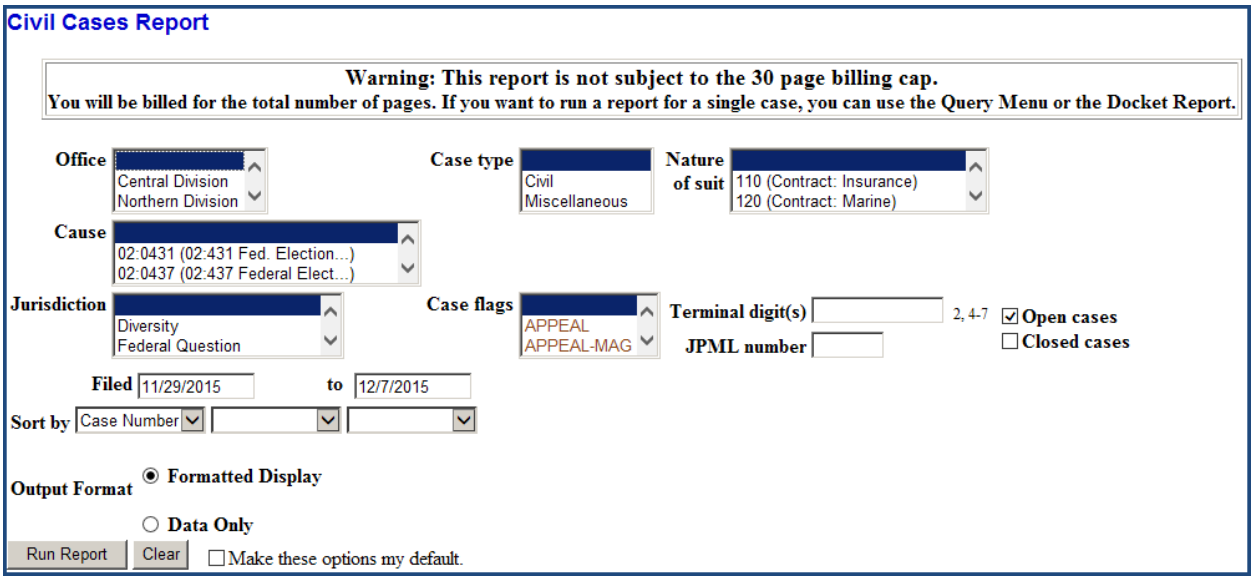
Use the arrow keys on your computer keyboard or the scroll bar to scroll through the docket sheet. It's a good idea to print or save the docket sheet at this time.

If you want to look at an actual document listed on the docket sheet, click the document number hyperlink associated with the document. You will be charged applicable PACER access fees to look at the document. It's a good idea to either print or save the document at this time.

Civil Cases

Enter your search criteria on the following **Civil Cases Report** screen and click on **Run Report** at the bottom of the screen. The results include civil and/or miscellaneous cases filed in CM/ECF.

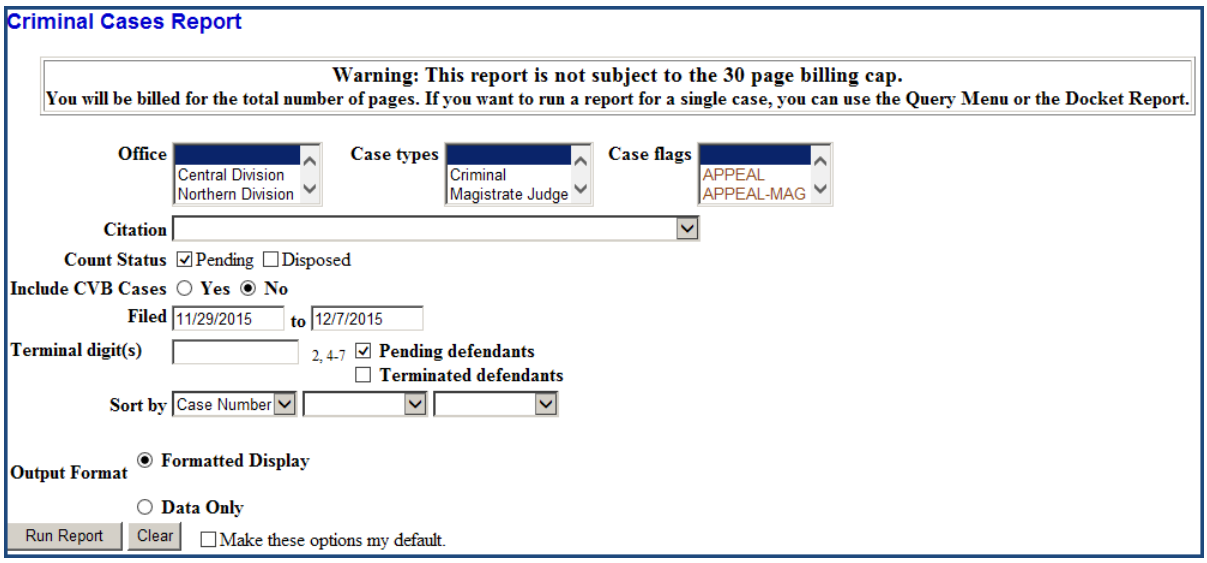
WARNING: Search results are NOT subject to the 30 page billing cap for PACER access fees. If you want to run a report for a single case, you can use the **Query** menu or the **Docket Sheet** report.



Criminal Cases

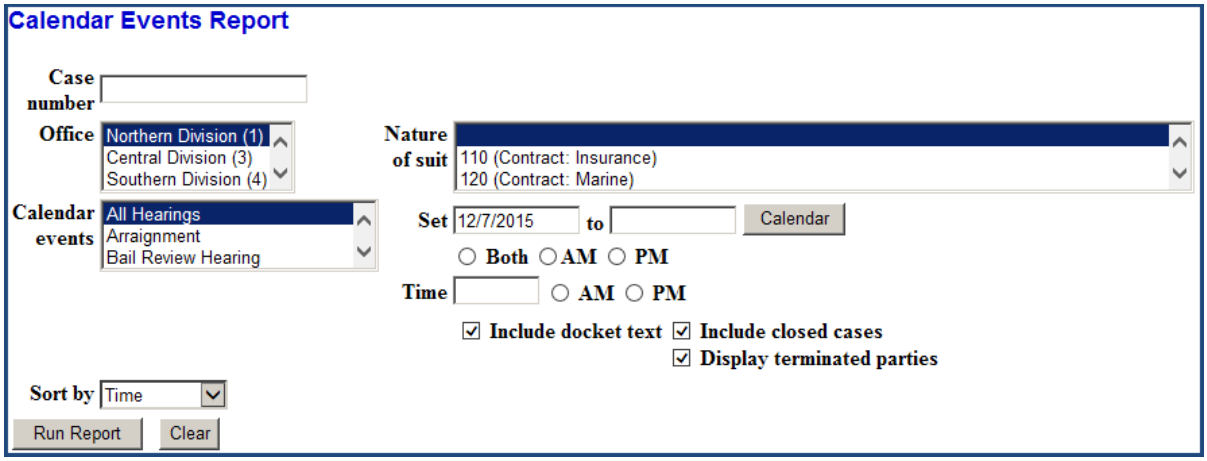
Enter your search criteria on the following **Criminal Cases Report** screen and click on **Run Report** at the bottom of the screen. The results include criminal and/or magistrate cases filed in CM/ECF.

WARNING: Search results are NOT subject to the 30 page billing cap for PACER access fees. If you want to run a report for a single case, you can use the **Query** menu or the **Docket Sheet** report.



Calendar Events

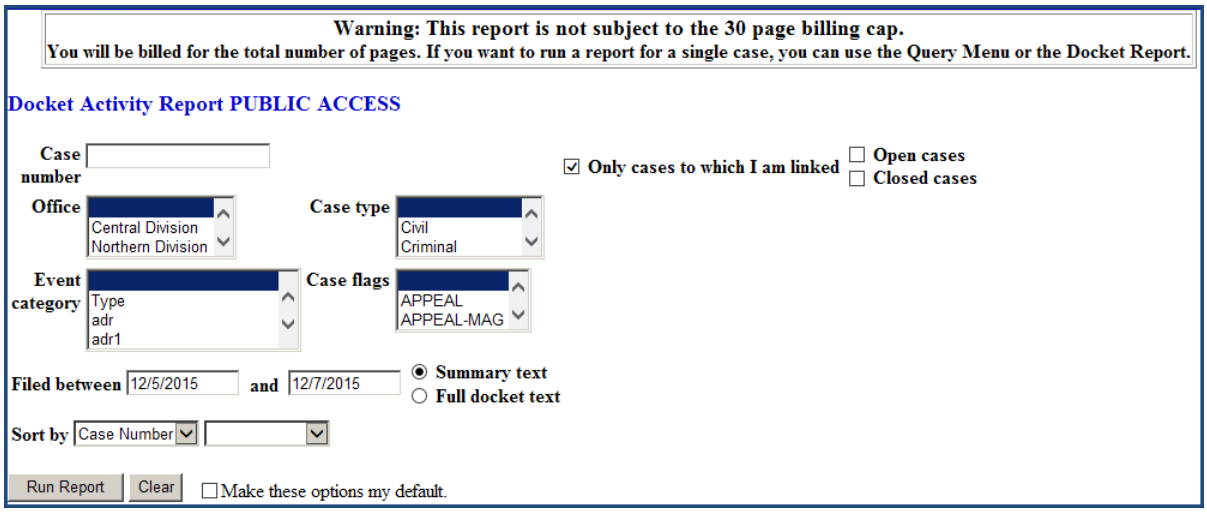
Enter your search criteria on the following **Calendar Events Report** screen and click on **Run Report** at the bottom of the screen. Information appearing on the report includes, the date and time of the calendar event, a case number hyperlink, attorneys and their client's role in the case, the docket text for the docket entry setting the calendar event, and a silver ball icon that reveals a Related Proceedings Report when clicked.



Docket Activity

Enter your search criteria on the following **Docket Activity Report PUBLIC ACCESS** screen and click on **Run Report** at the bottom of the screen. The results can be restricted to open or closed cases and only cases to which you are linked.

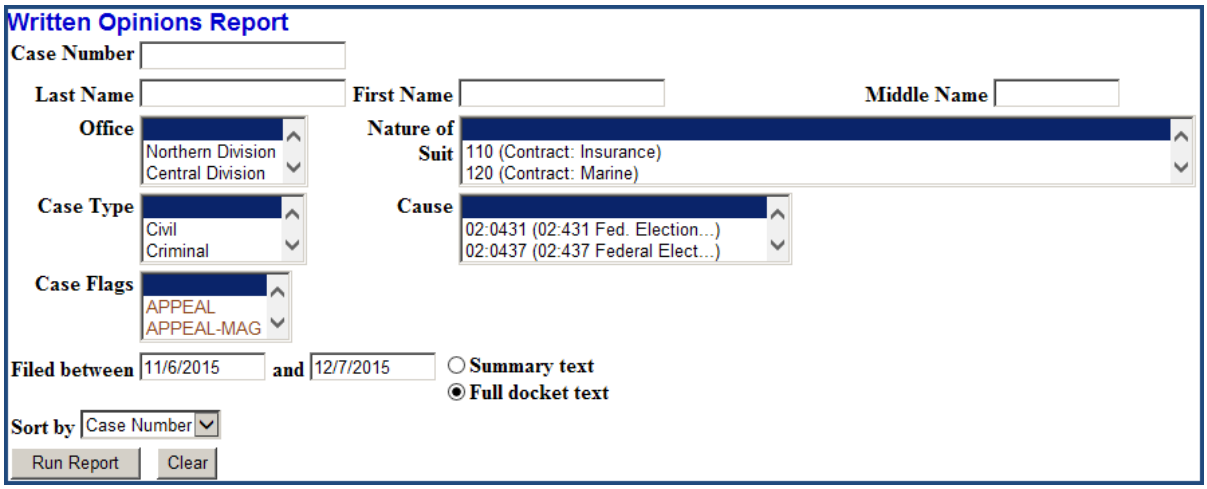
WARNING: Search results are NOT subject to the 30 page billing cap for PACER access fees. If you want to run a report for a single case, you can use the **Query** menu or the **Docket Sheet** report.



Written Opinions

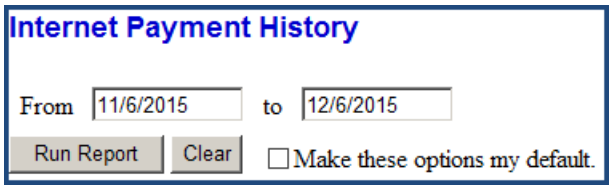
Enter your search criteria on the following **Written Opinions Report** screen and click on **Run Report** at the bottom of the screen. The **Written Opinions Report** can be run for any time period, but defaults to the last 30 days. This report includes all written opinions (*i.e.*, opinions citing case law) that were filed during the time period selected.

IMPORTANT: There is no charge for viewing this report or the opinions listed on this report. However, PACER access fees will apply to viewing a docket sheet associated with an opinion listed on this report.



Internet Payment History

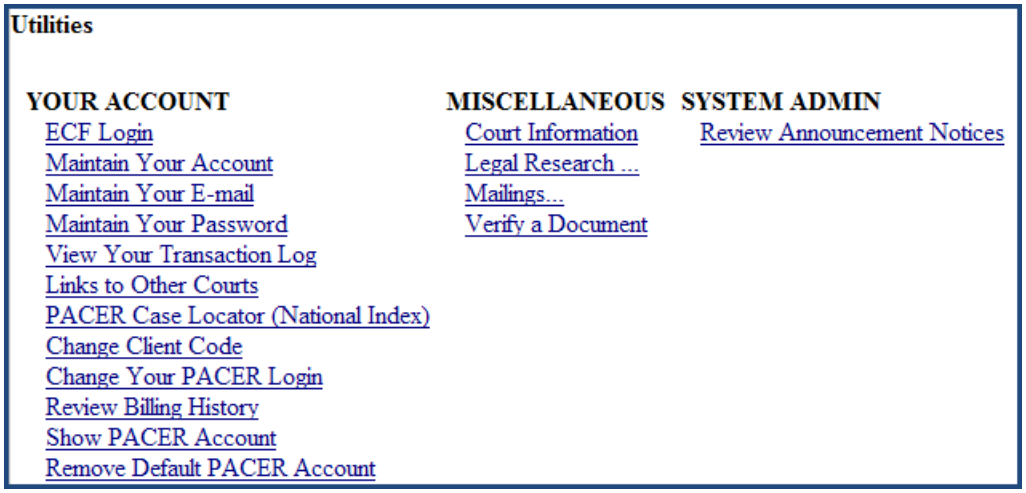
Enter a date range on the **Internet Payment History** screen and click on **Run Report** at the bottom of the screen to display a list of credit card payments the filing user has made through Pay.gov while electronically filing documents in CM/ECF during the specified period of time. There is no charge for viewing this report.



For more information on Pay.gov, see the **PAY.GOV** section of this user manual.

UTILITIES MENU

Clicking on the **Utilities** menu on the blue menu bar in CM/ECF takes you to the following **Utilities** screen.



Following is a description of the most useful options available on the **Utilities** screen.

Maintain Your Account

Clicking on this option allows you to either update the e-mail information *and/or* change the password on your CM/ECF account. For changes regarding your contact information, please contact the Clerk's Office at one of the numbers listed in the **HELP DESK** section of this user manual.

- To update your e-mail information, click on **Email information** at the bottom of the screen. For more information on updating your e-mail information, see the **Maintain Your E-mail** section of this user manual.

- To change your password, click on **More user information** at the bottom of the screen. For more information on changing your password, see the **Maintain Your Password** section of this user manual.

Maintain Your E-mail

IMPORTANT: Filing users are required to keep the e-mail addresses on their CM/ECF account up-to-date.

The **Email Information** screen is divided into two panes. The left-hand pane includes hyperlinks for the primary and secondary e-mail addresses on your account. As a non-exempt registered user, you are required to have a primary e-mail address on your account for receiving electronic notification when something is filed in one of the cases in which you are a participant. Secondary e-mail addresses on your account are optional, but highly recommended.

Click on an e-mail address to modify its configuration options or to delete it.

Click the add new e-mail address hyperlink to *add* an e-mail address to your account As soon as you type the new e-mail address in the box that opens in the upper portion of the right-hand pane, configuration options will populate. These configuration options include the following:

- **Should this e-mail address receive notices?** This option defaults to **Yes** and should be left that way.

- **How should notices be sent to this e-mail address?** This option defaults to **Per Filing**. The e-mail recipient will automatically receive a separate e-mail NEF each time a document in filed in a case in which the registered user is a participant. If the recipient would rather receive a **Daily Summery Report** via e-mail that includes a list of everything that was filed in the registered user's cases the *previous* day, click on **Summary Report**. If you select Summary Report, you will be asked, **Should this e-mail address receive a "no activity" notice when no summary noticing occurs?** If you answer Yes, the **Daily Summary Report** will include a message that says, "no transactions found for this time period" when nothing was filed in any of the registered user's cases on the previous day.

  NOTE: Receiving notice for a secondary e-mail address that is different from notice that is received for the primary e-mail address on the same account (*i.e.*, the primary e-mail address receives a Daily Summary Report and a secondary e-mail address receives notices on a per filing basis, or vice versa) can be problematic. Please contact the Clerk's Office at one the numbers listed in the **HELP DESK** section of this user manual if you have issues receiving electronic notices on your account.

- **In what format should notices be sent to this e-mail address?** This option defaults to **HTML**. If the e-mail recipient would rather receive Text formatted NEFs, select **Text**. (Most people prefer HTML formatted NEFs.)

- **Should this e-mail address receive general announcement notices from this court?** This option defaults to **Yes**. Even if you select **No**, please note that your choice can still be overridden when the district court sends out an important e-mail announcement.

The configuration options for a secondary e-mail address also include the following option:

- **Should this e-mail address receive notice for all cases in which this individual is a participant?** (The individual referenced in this question is the registered user.) This option defaults to **Yes**. If the secondary e-mail address should not receive NEFs each time something is filed in *any* of the registered user's, you should select **No**. In the middle portion of the right pane, under **Case-specific options**, using the scroll bar, scroll through the list of cases in the **These cases will be sent notice *per filing (default method)*** box and select only those cases for which the secondary e-mail address recipient should receive NEFs. Hold down the **Ctrl** key to select more than one case.

The most common **Case-specific** configuration options include the following:

- To add a case to the list of cases for which you will receive an NEF, but for which you are not a participant, enter the case number in the **Add additional cases for noticing** box in the middle portion of the right-hand pane and click on **Find this Case**. Then on click **Find this case(s)** and **Add case(s)**.

  IMPORTANT: If you receive an NEF for a document filed in a case in which the registered user is not a participant, the registered user will be charged PACER access fees to look at the document. The recipient of the NEF does not get a free look at a document filed in a case in which the registered user is are NOT a participant.

- If you normally get your NEFs in a summary report, you can receive NEFs for a particular case or cases on a per filing basis by typing the case number or numbers in the **These cases will send notice *per filing*** box in the middle portion of the right-hand pane.

When you are finished configuring your e-mail options, click on **Submit all changes** in the left-hand pane. Click on **Submit** again on the next screen so that all of your cases are updated. You can click on the **View/Hide case list** hyperlink associated with an e-mail address on the confirmation screen to see a list of cases for which that particular e-mail address will receive NEFs.

Maintain Your Password

IMPORTANT: You should change your account password anytime you think it may have been compromised.

Your password is always hidden and represented by asterisks (*******) in the **Password** box on the **More User Information** screen. To change your password, delete and replace the asterisks in the **Password** box with a new password that consists of a minimum of eight characters, including upper- and lower-case letters, and a digit or special character. When you have finished entering your new password, click on **Submit**. Make sure to keep a record of your new password.

If you forget your password or lose your password, call the Clerk's Office at one of the numbers listed in the **HELP DESK** section of this user manual. For security reasons, the Clerk's Office does not release password information to third parties.

View Your Transaction Log

You can look at a history of your transactions in CM/ECF for a specified period of time by entering a Start Date and an End Date in the **View Transaction Log** utility.

Change Client Code

When you log into PACER, you can enter a client code for billing purposes. You can change the client code any time during a pending session by entering a new client code in the **Change Client Code** utility and clicking on **Submit**. These codes will be reflected on the quarterly billing statement you receive from the PACER Service Center.

Review Billing History

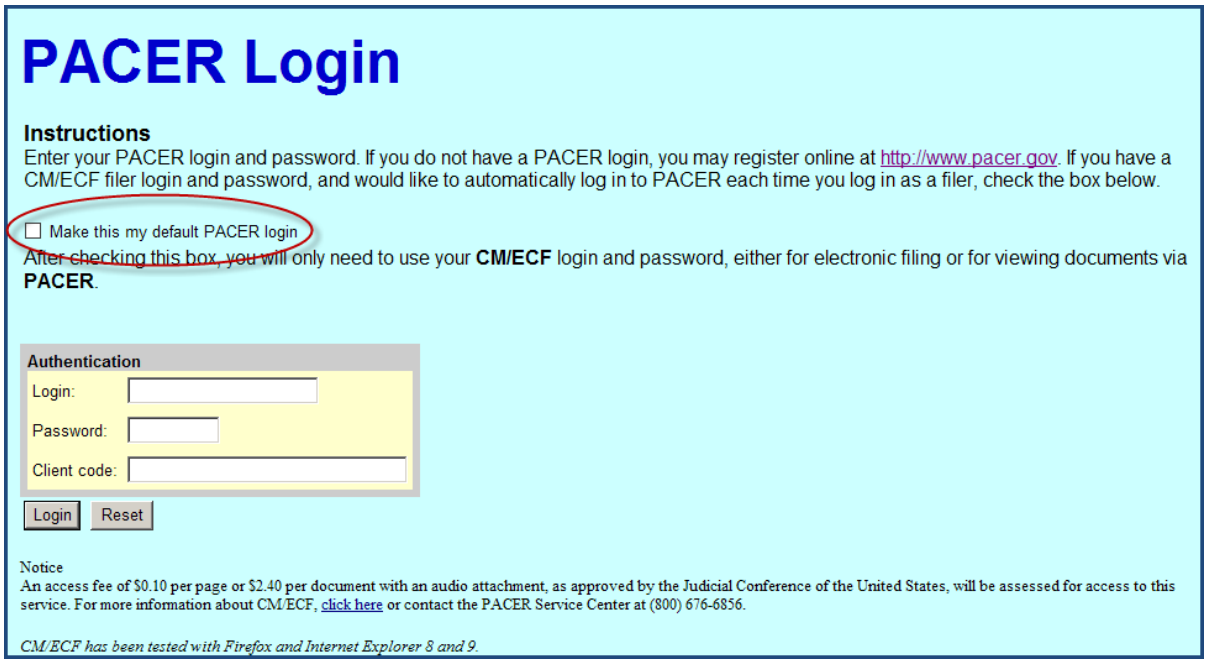
When you click on the **Review Billing History** utility, a new browser window will open and you will be redirected to a **PACER Login** screen where you can log into PACER and search for and review detailed transactions in recent months for a specific federal court or for all federal courts. Data will be retrieved and formatted based on options you select.

Show PACER Account

Clicking on the **Show PACER Account** utility will display the PACER account you are currently using.

Remove Default PACER Account

When logging into PACER, you have an option of clicking the **Make this my default PACER login** checkbox on the following PACER Login screen.



When you click this box, your PACER login and password are stored with your CM/ECF account information. All future incurred PACER access fees will be billed to this PACER account and you will not have to enter your PACER login information again. You can remove

this default association using the **Remove Default PACER Account** utility. For more information on PACER, see the **PACER** section of this user manual.

Court Information

The **Court Information** utility displays the following information for the United States District Court in the District of South Dakota:

- Court Details
- Court Location
- Court Offices
- PACER Details
- Flag Definitions

The **Court Information** utility also includes a link to the district court's RSS feed. You must have an RSS feed reader to access the RSS feed. (Most web browsers have a built-in RSS feed reader.) Clicking on the hyperlink for the **RSS Feed** brings up a screen that contains a list of the most recent transmissions to the district court's CM/ECF system. Each entry on the list includes a case number hyperlink, a document number hyperlink (if there is an associated document), and the name of the event that was used in the transmission. When you click on a case number or document number hyperlink, you will be routed to a **PACER Login** screen. Applicable PACER access fees apply when viewing documents and other case information via the district court's RSS feed. For more information on PACER, see the **PACER** section of this user manual.

Legal Research

Clicking on one of the following hyperlinks in the **Legal Research** utility opens a new browser window for a related non-judiciary website:

- Law Dictionary
- Medical Dictionary
- Westlaw via the Internet
- LexisNexis

Mailings

The **Mailing** utility provides you with the following two options:

- Mailing Info for a Case: After entering a particular civil or criminal case number, the system displays a list of case participants who will receive electronic notice and a separate list of case participants who will require manual notification when something is filed in the case.

- Mailing Labels by Case: After entering a particular civil or criminal case number, the system allows you to print mailing labels for the judges and/or attorneys involved in the case.

Verify a Document

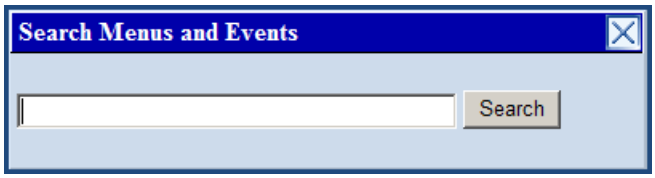
The **Verify a Document** utility verifies whether or not the electronic "signature" on a document is the same as when the document was filed. If it is different, the document may have been altered.

Review Announcement Notices

The **Review Announcement Notices** utility provides a chronological list of reviewable informational announcements that were e-mailed by the court to registered users in the past.

SEARCH MENU

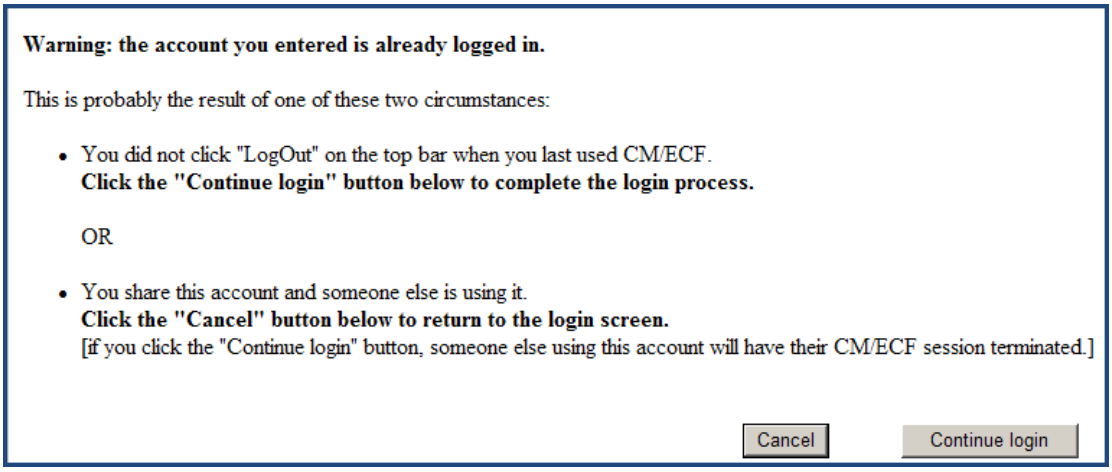
Clicking on the **Search** menu on the blue menu bar in CM/ECF brings up the following search box:



Typing a word or a partial word in the search box brings up a list of hyperlinks for all of the CM/ECF menu items and events that contains that exact string of characters. Click on one of the hyperlinks to immediately go to that menu item or event.

LOGOUT

At the end of every CM/ECF session, logout by clicking on **Logout** on the blue menu bar. If you don't logout, you will see the following screen the next time you log into CM/ECF.



4. CM/ECF ASSISTANCE

CLEARING YOUR CACHE

It is a good idea to periodically clear your web browser's cache. The temporary internet files folder (cache) is the location on your computer's hard drive where web pages and files are stored as you view them. This is a good thing because it speeds up the display of pages you frequently visit or have already seen—your web browser can open them from your hard drive instead of having to search for them each time on the internet. This can also be a bad thing, however, when your cache becomes cluttered with too many temporary internet files and it begins to affect your computer's performance.

If you are experiencing computer performance issues, delete your temporary internet files folder (clear your cache) and restart your web browser.

TROUBLESHOOTING

Following are solutions for some of the most common problems experienced by people using CM/ECF:

Problem	Solution
I can't log into CM/ECF.	Your login and password are case sensitive. Make sure you are typing them correctly.
	If you forgot or lost your CM/ECF login and password, call the Clerk's Office for help resetting your password

Problem	Solution
I can't file a document because the Civil and Criminal menus are missing on the blue menu bar.	You are logged into PACER, instead of CM/ECF. Log out of PACER, clear your cache, and log back in using your CM/ECF login and password.
I don't know which event to use to file a document.	Refer to the Civil Case Events List and the Criminal Case Events List posted on the court's website.
	If you still don't know, call the Clerk's Office for help.
I'm having trouble locating the right event.	Try using the Search menu on the blue menu bar.
	If you're still having trouble, call the Clerk's Office for help.
I filed a document in the wrong case.	File a Notice of Filing Error and re-file the document in the correct case.
I filed the wrong document.	File a Notice of Filing Error and re-file the correct document. If the document that was filed in error should be sealed, also file a motion to seal.
I was unable to file a document in a timely manner due to a technical issue.	Apply to the court for relief.
I can't view a document from a hyperlink in an NEF.	If the NEF is more than 15 days old, the link has expired. You must log into PACER to look at the document.
When I click on a document number hyperlink in an NEF, instead of receiving a free look at the document, I am routed to PACER where I have to pay to look at the document.	You only get one free look at the document. If you previously clicked on the hyperlink, you must pay the PACER access fee to look at the document a second time. It's a good idea to either print or save the document the first time you look at it.
	If you in advertently double-clicked on the hyperlink, you must pay the PACER access fee to look at the document. Do not double-click on the hyperlink.
I can't view a restricted document from a hyperlink in an NEF.	You must be logged into CM/ECF before you can access a restricted document from an NEF. Log into CM/ECF before clicking on the hyperlink in the NEF.
	Someone else with access to your CM/ECF account has already accessed the restricted document. Only the first person who looks at a restricted document in behalf of an authorized user is able to look at it for free.

If you still have problems, call the Clerk's Office at one of the numbers listed in the **HELP DESK** section of this user manual.

HELP DESK

If you need further assistance, the district court's CM/ECF Help Desk is available by telephone at the numbers listed below:

- Sioux Falls (Southern Division) – 605-330-6600 from 8 a.m. and 5 p.m. CST.
- Pierre (Central and Northern Divisions) – 605-945-4600 from 8 a.m. and 5 p.m. CST.

- Rapid City (Western Division) – 605-399-6000 from 8 a.m. and 5 p.m. MST.

You can also e-mail the Clerk's Office for assistance at ecfhelp@sdd.uscourts.gov.

Other CM/ECF resources are available on the district court's website located at www.sdd.uscourts.gov.