

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



United States District Court
District of South Dakota

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1. CM/ECF BASICS

INTRODUCTION

On July 7, 2003, the United States District Court for the District of South Dakota began utilizing a comprehensive database system called Case Management/Electronic Case Files (CM/ECF) to store electronic civil and criminal case files and offer electronic filing. With some exceptions, attorneys are required to electronically file (e-file) their civil and criminal case documents in CM/ECF.

CM/ECF is integrated with Public Access to Court Electronic Records (PACER), an internet access service. Attorneys, pro se filers, and other public users can access most documents and case information stored in CM/ECF through the PACER website, or at the PACER public access terminals located in the Clerk's Office.

This searchable CM/ECF User Manual and Administrative Procedures (user manual) is intended to provide attorneys and non-prisoner pro se filers (filers) with information about CM/ECF, instructions for e-filing various types of documents in CM/ECF, accessing documents and other information stored in CM/ECF, and managing and utilizing their CM/ECF account. This user manual includes many active hyperlinks to help filers navigate to the information they need. This user manual is referenced in the local rules of practice of this district court.

On March 10, 2023, this district court transitioned to NextGen CM/ECF Release 1.7. For more information about NextGen CM/ECF, see the [NEXTGEN CM/ECF AND CENTRAL SIGN-ON](#) section of this user manual.

HOW ELECTRONIC FILING WORKS

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

Generally, to e-file, filers create their documents on their computers just as they normally do. Instead of printing their documents on paper, however, filers save their documents in portable document format (PDF). Filers then access CM/ECF via the internet using a web browser. After establishing their identity by providing the username and password for their upgraded PACER account, the filer indicates the case number that a particular document applies to, the party the document is being filed on behalf of, and the type of document (motion, response, etc.) being filed. The document is then sent over the internet to the district court's computer server which immediately sends a receipt back to the filer's computer screen verifying the document has been received. When the document is received by the district court's computer server, 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 over the internet. When the document is received, CM/ECF also immediately sends email notification of the filing to each of the case participants who are set up to receive electronic notice.

HARDWARE AND SOFTWARE REQUIREMENTS

In addition to an individual upgraded PACER account, a CM/ECF account, a valid email address, and internet access, filers need the following hardware and software to electronically file documents in 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 which can convert documents created using that program into portable document format (PDF) is recommended. CM/ECF is designed to accept only PDF documents.
- JavaScript-enabled web browser. NextGen CM/ECF Release 1.7 was tested with Internet Explorer and Safari Version 12.2.1; Chrome, Version 98; Firefox, Version 97; Edge Version 98. If you're missing buttons or some CM/ECF features aren't working properly, please try switching to another browser. The issue may be in your browser settings.
- Adobe Acrobat or other PDF writer software for converting documents from word processing format into portable document format. Adobe Acrobat's portable document format (PDF) is the key to CM/ECF because it allows an electronically filed document to retain its original pagination and formatting regardless of what type of equipment is used to look at the document 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 not already in PDF format into PDF format.

MANDATORY E-FILING

Attorneys admitted pro hac vice cannot e-file case documents in this district 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 and receive electronic notice of documents filed in their district court cases when they are admitted to this court. Registration occurs when local counsel moves for admission of pro hac vice counsel. An updated [Motion for Admission Pro Hac Vice](#) form is available on the district court's website. The updated form requires the applicant for admission to disclose any prior or pending disciplinary actions. Attorneys admitted pro hac vice should not sign any case documents. Pursuant to D.S.D. Civ. LR 83.2(E) and D.S.D. Crim. LR 44.1(E) local counsel must sign and file all case documents.

Unlike attorneys who are required to e-file their case documents in CM/ECF and receive electronic notice of documents filed in their district court cases, prisoner pro se parties cannot e-file documents in CM/ECF and they do not receive electronic notice of documents filed in their district court cases. *Non-prisoner* pro se parties, however, may request to receive electronic notice of documents filed in their district court cases. In addition, non-prisoner pro se parties may register for e-filing privileges, which may be granted on a case-by-case basis by the court. See the [REGISTRATION AND TRAINING](#) section of this user manual for more information about registering for electronic filing privileges.

IMPORTANT: There is never a charge for electronically filing documents in CM/ECF.

EXCEPTIONS TO MANDATORY E-FILING

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

A consent for a magistrate judge to conduct all proceedings in a civil case (AO 85 form) is not allowed to be electronically filed in CM/ECF, nor is it allowed to be returned directly to a judge. Instead, an AO 85 must be manually returned to the Clerk's Office. For more information, see the AO 85 form under [National Forms](#) on the district court's website and [Fed. R. Civ. P. 73](#).

The following types of documents are also excluded from mandatory electronic filing by attorneys and pro se filers in *unsealed* cases:

- Criminal charging documents.
- Sealed documents and their attachments in civil cases.
- Sealed documents and their attachments in criminal cases — except for some sealed plea and sentencing related documents.
- Motions to seal (and the subject of the motion) in civil and criminal cases.

Originals of the above-listed types of documents must contain the filer's original ink signature, an attached certificate of service, and be manually delivered to the Clerk's Office for filing. Copies of these documents must also be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court.

For more information about filing sealed documents and motions to seal, see the [SEALED DOCKET ENTRIES](#), [SEALED DOCUMENTS](#) and [Motions to Seal and their Attachments](#) sections of this user manual.

As of December 1, 2015, documents containing a criminal defendant's original signature must be electronically filed. In the past, these documents were excluded from mandatory electronic filing.

As of January 1, 2018, civil case initiating documents can be (but are not required to be) electronically filed in a divisional shell case. For more information, see the [E-FILING CIVIL CASE INITIATING DOCUMENTS](#) and [STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE](#) sections of this user manual.

For more information about mandatory e-filing, see the [MANDATORY E-FILING](#) section of this user manual.

IMPORTANT: Documents manually filed with the Clerk's Office **MUST** contain the filer's actual **ink signature**, an attached certificate of service, and be manually served on the appropriate case participants.

REGISTRATION AND TRAINING

Attorneys and non-prisoner pro se parties who want to electronically file documents in this district court must have an individual upgraded Public Access to Court Electronic Records (PACER) account and register for electronic filing privileges on the PACER Service Center website located at www.pacer.uscourts.gov. For more information about PACER, see the [PACER](#) section of this user manual.

Attorneys admitted to this court's bar will be granted e-filing privileges. Training on how to file documents in CM/ECF is available for admitted attorneys through the Clerk's Office. Upon application, a non-prisoner pro se party may be granted e-filing privileges on a case-by-case basis in this district court. Training for non-prisoner pro se party's granted e-filing privileges is also available through the Clerk's Office.

Attorneys and non-prisoner pro se parties who are allowed to e-file documents in this district court are required to keep their primary email address stored *nationally* at the [PACER Service Center](#) and any secondary email addresses stored *locally* in CM/ECF up to date. Attorneys and non-prisoner pro se filers are also required to keep the other contact information associated with their PACER accounts, particularly their mailing information, up to date.

Attorneys and non-prisoner pro se filers allowed to e-file documents in this district court must protect the security of their PACER accounts. If anyone suspects someone else has used their PACER account without their permission, they should immediately contact the PACER Service Center at 800-676-6856 to report their suspicions. Failure to do so may result in sanctions by the court.

Following are registration instructions for attorneys and non-prisoner pro se parties.

Attorneys

To register for e-filing privileges, an attorney must log into their PACER account at the PACER Service Center and click on the **Maintenance** tab. Next, click on the **Attorney Admissions/E-file Registration** utility.



On the following screen, select **U.S. District Courts** as the Court Type and **South Dakota District Court** as the Court and click on **Next**.

A screenshot of a web form titled 'In what court do you want to practice?'. Below the title, it says '* Required Information'. There are two dropdown menus. The first is labeled 'Court Type *' and has 'U.S. District Courts' selected. The second is labeled 'Court *' and has 'South Dakota District Court' selected. Below the dropdowns, there is a 'Note' paragraph: 'Centralized attorney admissions and e-file registration are currently not available for all courts. If you do not see a court listed, please visit that court's website. To find more information on all courts, visit the [Court CM/ECF Lookup page](#).' At the bottom of the form, there are three buttons: 'Next', 'Reset', and 'Cancel'.

View this district court's local policies and procedures on electronic filing as needed on the following screen. Note that this district court does not accept online applications for attorney admissions. For more information about the process for admission to this district court, see the [NEXTGEN CM/ECF AND CENTAL SIGN-ON](#) section of this user manual.

Nonresident attorneys authorized to represent the United States pursuant to D.S.D. Civ. LR 83.2(F) and D.S.D. Crim. LR 44.1(F) should click on **Federal Attorney** to continue. All other attorneys should click on **E-File Registration Only** to continue.

What would you like to apply/register for?

☐ E-File Registration Only

☐ Federal Attorney

[Before continuing, view the local Policies and Procedures on Electronic Filing for the selected court](#)

Only attorneys admitted to practice in U.S. District Court in the District of South Dakota and those appearing provisionally (such as out-of-district government attorneys), approved pro se filers, and contract court reporters will be authorized to electronically file documents in this court. Attorneys and pro se filers must read and be familiar with the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, Federal Rules of Evidence, the Local Rules of Practice - Civil, Local Rules of Practice - Criminal, and the CM/ECF User Manual located at <https://www.sdd.uscourts.gov/attyusermanual>. All approved filers must participate in training on electronic filing before they can e-file documents in this court. Attorneys admitted Pro Hac Vice are not allowed to e-file documents with this court. Local counsel must sign and file all documents. For more information, see D.S.D. Civ. LR 83.2 and D.S.D. Crim. LR 44.1.

[Before continuing, view the local Policies and Procedures for Attorney Admission for the selected court](#)

This court does not accept online applications for attorney admission. Attorneys seeking admission must complete the written application for admission located on the district court's website at <https://www.sdd.uscourts.gov/forms/application-admission> and mail the completed form to the office listed on the form where the attorney wants to be admitted. The applicant must be of good moral character and an active member in good standing of the State Bar of South Dakota. An applicant who is approved for admission must appear with a member of the bar who will vouch for their legal qualifications, integrity, and good moral character at an admission ceremony. The admission fee must be paid at the time of the admission ceremony. For more information, see D.S.D. Civ. LR 83.2 and D.S.D. Crim. LR 44.1. Out-of-district government attorneys seeking provisional permission to practice should select the "Federal Attorney" option above.

Follow the prompts to complete registration. You will be notified when your registration has been processed by this district court.

Attorneys *joining* the U.S. Attorney's Office or the Federal Public Defender's Office are required to register for a second PACER account with their new contact information on the [PACER Service Center](#) website if they already have a PACER account and have previously practiced before this district court. Similarly, attorneys *leaving* the U.S. Attorney's Office, or the Federal Public Defender's Office are also required to register for a second PACER account with their new contact information if they intend to continue practicing before this district court.

Non-Prisoner Pro Se Parties

To register for e-filing privileges, a non-prisoner pro se party must log into their PACER account at the PACER Service Center and click on the **Maintenance** tab. Next, click on the **Non-Attorney E-File Registration** utility.

The screenshot shows the PACER Maintenance tab selected. The 'Maintenance' tab is circled in red. Below the tabs, there are two columns of links. The link 'Non-Attorney E-File Registration' is circled in red.

| Settings | Maintenance | Payments | Usage |
|---|---|----------|-------|
| Update Personal Information | Attorney Admissions / E-File Registration | | |
| Update Address Information | Non-Attorney E-File Registration | | |
| Check E-File Status | E-File Registration/Maintenance History | | |

On the following screen, select **U.S. District Courts** as the Court Type, **South Dakota District Court** as the Court, and **Party** as the Role in Court and complete all the rest of the sections to register.

The screenshot shows the 'Complete all sections of E-File Registration' form. The 'Filer Information' section is highlighted in blue. A yellow box contains a note about court acceptance of non-attorney filers. The 'Required Information' section includes dropdown menus for 'Court Type' (U.S. District Courts), 'Court' (South Dakota District Court), and 'Role in Court' (Party). A large yellow box contains detailed instructions for attorneys and pro se filers. The 'Name' field is filled with 'TestSix Atty'. A checkbox is checked, indicating acknowledgment of the registration process.

Complete all sections of E-File Registration

Filer Information

Please note that not all courts accept non-attorney filers and some accept only specific types of non-attorney filers. If the selected court does not allow a specific type of non-attorney filer, you will not be able to register for filing privileges at that court.

*** Required Information**

Court Type * U.S. District Courts

Court * South Dakota District Court

[Before continuing, view the local Policies and Procedures on Electronic Filing for the selected court](#)

Only attorneys admitted to practice in U.S. District Court in the District of South Dakota and those appearing provisionally (such as out-of-district government attorneys), approved pro se filers, and contract court reporters will be authorized to electronically file documents in this court. Attorneys and pro se filers must read and be familiar with the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, Federal Rules of Evidence, the Local Rules of Practice - Civil, Local Rules of Practice - Criminal, and the CM/ECF User Manual located at <https://www.sdd.uscourts.gov/attyusermanual>. All approved filers must participate in training on electronic filing before they can e-file documents in this court. Attorneys admitted Pro Hac Vice are not allowed to e-file documents with this court. Local counsel must sign and file all documents. For more information, see D.S.D. Civ. LR 83.2 and D.S.D. Crim. LR 44.1.

Role in Court * Party

Name TestSix Atty

☒ I acknowledge that I am submitting the e-file registration for the individual listed above. **Note: If more than one individual uses this account, you must create a new PACER account for the individual who needs e-filing privileges, if she or he does not already have one. ***

View this district court's local policies and procedures on electronic filing as needed.

You will be notified when your registration has been processed by this district court.

NEXTGEN CM/ECF AND CENTRAL SIGN-ON

All federal courts are transitioning from CurrentGen CM/ECF to NextGen CM/ECF, the latest iteration of CM/ECF. Many courts have already transitioned to NextGen CM/ECF, including the United States Court of Appeals for the Eighth Circuit and several regional district courts and bankruptcy courts.

In the past, attorneys and pro se filers were required to maintain a PACER account for accessing some case documents and information stored in CM/ECF and separate additional CM/ECF accounts for e-filing documents in different federal courts, each requiring a separate login and password. NextGen CM/ECF allows attorneys and pro se filers to maintain one account to access case documents and other information stored in CM/ECF and to e-file documents in several different federal courts, including appellate courts, district courts, and bankruptcy courts. NextGen CM/ECF requires filers to use their PACER account credentials to e-file documents. This is known as Central Sign-On.

Central Sign-On requires attorneys and pro se filers who had a CM/ECF account prior to this district court's transition to NextGen CM/ECF to link their CurrentGen CM/ECF account to their individual upgraded PACER account before they can e-file documents and access restricted documents in CM/ECF. After these accounts are linked, CM/ECF account credentials are obsolete. For more information about linking accounts, see the [Link a CM/ECF Account to My PACER Account](#) section of this user manual. Attorneys and pro se filers who did not have a CM/ECF account prior to this district court's transition to NextGen CM/ECF do not have to link accounts.

Once attorneys and pro se filers with a CurrentGen CM/ECF account have linked their accounts, they will notice few differences in the CM/ECF interface. However, they will notice some differences managing and utilizing their CM/ECF and/or PACER accounts. For more information about these changes, see the [Maintain Your Account](#) and the [Maintain your Login/Password](#) sections of this user manual or visit the [PACER Service Center](#) website.

Central Sign-On can also be used for attorney admissions. Some courts utilize Central Sign-On for this purpose, however, this district court does not currently utilize Central Sign-On for attorney admissions. Instead, attorneys desiring admission to this court's bar must complete the [Application for Admission](#) form on the district court's website and return it to one of the addresses listed on the form.

PACER

Public Access to Court Electronic Records (PACER) is a public access service available via the internet through the PACER Service Center located at www.pacer.uscourts.gov. PACER is integrated with CM/ECF and allows public users to remotely access unsealed documents, some restricted documents, and other case information in any United States district court, United States bankruptcy court, or United States court of appeals as soon as the documents or case information are entered in the local court's CM/ECF system. Documents and case information are available for viewing through PACER 24 hours a day, seven days a week, including weekends and holidays, to multiple users at the same time. Documents and case information are also available at the PACER public access terminals located in the Clerk's Office in Sioux Falls, Rapid City, and Pierre. Sealed documents are never accessible through PACER or at the public access terminals. For more information about sealed and restricted documents, see the [ACCESS LEVEL RESTRICTIONS](#) section (and related sections) of this user manual.

Any attorney or non-prisoner pro se party who has been granted e-filing privileges in any federal court that has transitioned to NextGen CM/ECF (such as this district court) is required to have an individual upgraded PACER account. Due to Central Sign-On, filers are no longer required to maintain a PACER account to access documents and other information stored in CM/ECF and separate additional CM/ECF accounts to e-file documents in different federal courts. All filers must access CM/ECF to e-file documents using their PACER accounts.

An individual upgraded PACER account has security features, including self-service username retrieval and a password reset feature. These features require a valid email address, security questions and answers, and a date of birth to be on file. Go to the [PACER Service Center](#) to register for a new PACER account, upgrade your current PACER account, or register for e-filing privileges in this district court. For more information about registering for e-filing privileges, see the [REGISTRATION AND TRAINING](#) section of this user manual.

In the past, Criminal Justice Act (CJA) panel attorneys were required to have two PACER accounts, including one fee-exempt account to be used only when performing CJA-related work. As of August 2014, CJA panel attorneys are no longer issued a separate fee-exempt PACER account. Instead, CJA panel attorneys can use the **Change PACER Exemption Status** utility in CM/ECF to "toggle" or switch their individual upgraded PACER account back and forth between non-fee-exempt status and fee-exempt status. Be advised that fee exempt usage is closely monitored. A CJA panel attorney who avoids paying access fees when performing non-CJA related work may have access to their PACER account terminated. For more information about switching from non-fee-exempt status to fee-exempt status in CM/ECF, see the [Change PACER Exemption Status](#) section of this user manual.

Non-fee-exempt access to online case information via PACER costs ten cents per page. PACER access fees are capped at \$3.00 per document. This cap does not apply to name searches, reports

which are not case-specific, or transcripts of court proceedings. For billing purposes, attachments to documents are each considered separate documents. The PACER Service Center bills quarterly. PACER access fees for a single account are waived when they total less than \$30 for a quarter. For specific information about accessing restricted documents filed in CM/ECF via PACER, see the [Accessing Restricted Documents](#) section of this user manual. For more information about accessing documents and information in CM/ECF see the [QUERY MENU](#) section of this user manual.

There is no charge for looking at documents and other case information at the PACER public access terminals located in the Clerk's Office in Sioux Falls, Rapid City, and Pierre. However, there are fees associated with printing documents at the PACER public access terminals. The Clerk's Office cannot make change so exact change is required when paying for printed documents.

Although only attorneys and non-prisoner pro se parties can register for e-filing privileges in this district court through PACER, anyone can register for a PACER account to access documents and other information stored in CM/ECF. For more information about PACER or to register for a PACER account, go to the [PACER Service Center](#) website or call the PACER Service Center at 1-800-676-6856.

FORMATING PDF DOCUMENTS FOR E-FILING

All documents electronically filed in CM/ECF must be in PDF format. Adobe Acrobat's portable document format (PDF) is the key to CM/ECF because it makes all documents viewable and printable in their original format on any type of equipment regardless of whether the documents were scanned or created using word processing software.

Documents created using word processing software can easily be converted to PDF by saving them to PDF. Other documents not converted to PDF must be scanned to PDF. When there is an option of scanning or converting a document to PDF before it is e-filed in CM/ECF, it is best to convert the document. Converted documents are usually smaller and automatically have Optical Character Recognition (OCR) functionality. OCR functionality is desirable because documents can be searched for words and phrases and sections can be highlighted and/or copied. In addition, CM/ECF has certain size limitations and converted documents are generally smaller. For more information about size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

How to Convert a Document to PDF

It is best to convert a document created using Microsoft Word or other word processing software to PDF by *saving* the document to PDF. On the other hand, it is best to convert a fillable form created using Adobe Acrobat-compatible software to PDF by *printing* it to PDF. Saving a fillable

form to PDF will keep all the text fields fillable and editable, whereas printing the form to PDF will strip out the formatting so the text fields are no longer editable.

Following are steps for saving a document created in Microsoft Word to PDF. (These steps may vary depending on which version of Microsoft Word is used.)

Steps for Saving a Document 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 document to be saved.
- In the **Save as type** box, select **PDF (*.pdf)** from the drop-down list.
- Name the new PDF document (the file type will default to .pdf).
- Click the **Save** button. The new PDF document will be saved in the selected location under the new PDF file name. The original document will remain open on the screen in its native format.

Following are steps for printing a fillable form to PDF using Adobe Acrobat. (These steps may vary depending on which version of Adobe Acrobat is used.)

Steps for Printing a Fillable Form to PDF:

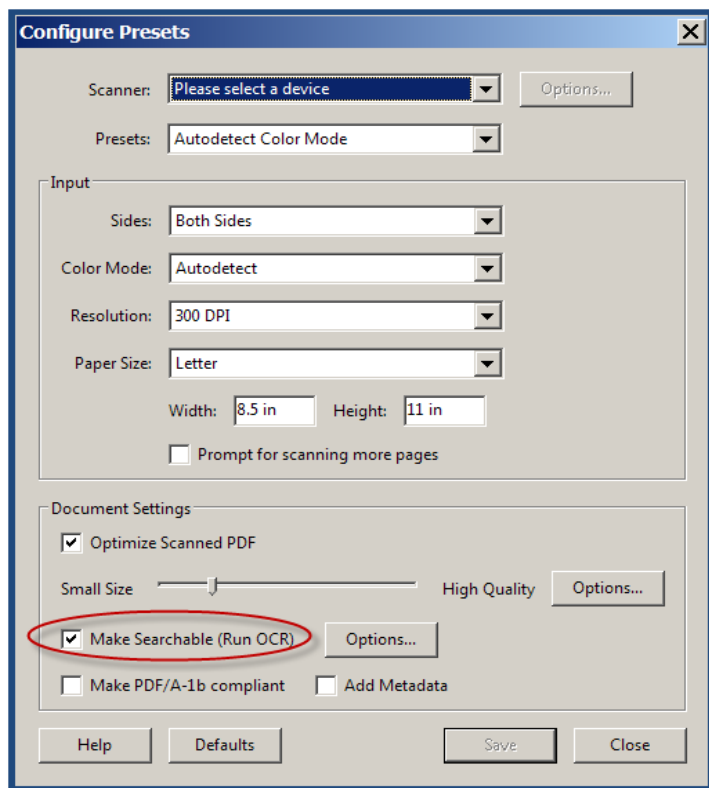
- Complete the fillable form.
- Select **Print** on the menu bar.
- Click the dropdown menu for the Printer field and select **Adobe PDF**.
- Click on **Print**.
- The completed form does not print. Instead, a window opens allowing you to save the completed form. Select a location for the completed form to be saved.
- Select a file name for the completed form in the **File name:** field.
- Verify the file type is **PDF files (*.PDF)** in the **Save as type** field.
- Click the **Save** button. The completed form is now saved as a PDF file in the designated location. The original fillable form is not altered.

How to Scan a Document to PDF so 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. Following are instructions for scanning documents to PDF so they have OCR functionality using either a desktop scanner or a copier.

Desktop Scanner:

Documents scanned to PDF on a desktop scanner will have OCR functionality when the **Make Searchable (Run OCR)** checkbox is checked as indicated below:



To make sure this box is checked, follow these steps while using Adobe Acrobat. (These steps may vary depending on which version of Adobe Acrobat is 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.
- Click the **OK** button.

Copier:

- Documents that have been scanned to PDF on a copier will have OCR functionality when the following steps are taken while using Adobe Acrobat. (These steps may vary depending on which version of Adobe Acrobat is 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**.
- Click the **OK** button.

Determining if a PDF Document has OCR Functionality

Documents electronically filed in CM/ECF should have OCR functionality, so they are text searchable. To determine if a PDF document will have OCR functionality before it is e-filed, follow these steps while using Adobe Acrobat. (These steps may vary depending on which version of Adobe Acrobat is used.)

- Open the PDF document and go to the beginning of the document.
- Open the Find dialog box by holding down the CTRL+F keys.
- In the Find dialog box, enter a word, or phrase you know is in the document.
- Click the Next button in the Find dialog box.
- If the word or phrase is highlighted in the document, the document has OCR functionality.
- If the word or phrase is NOT highlighted in the document, the document does NOT have OCR functionality.

Adding OCR Functionality to a Document

If a document does not have OCR functionality, you can add it before the document is e-filed by following these steps using Adobe Acrobat. (These steps may vary depending on which version of Adobe Acrobat is used.)

If the **Scanned Page Alert** dialog box opened when you opened the **Find** dialog box, click the **Yes** button in the lower right corner.

Click the **OK** button.

If the **Scanned Page Alert** dialog box did NOT open when you opened the **Find** dialog box, click on **Tools > Enhance Scans** and click on **AA Recognize Text** on the Enhance Scans tool bar.



Making Sure Your Desktop Scanner is Set Up to OCR

If you have a desktop scanner, you can check to make sure it is set to automatically OCR documents by following these steps using Adobe Acrobat. (These steps may vary depending on which version of Adobe Acrobat is used.)

- Click on **File > Create > PDF from Scanner**
- Click on the gear icon  next to the **My Custom Settings** option.

- If not already checked, check the **Recognize Text (OCR)** radio button.
- Click on **Save Settings** button at the far right-hand end of the Custom Scan tool bar.

Scanning, Best Practices

The National Archives and Records Administration requests that documents scanned to PDF and electronically filed in CM/ECF have a minimum resolution of 300 ppi (pixels per inch). If a scanner is set to less than 300 ppi, documents may become illegible when they are later archived. If a scanner is set to more than 300 ppi, documents will be unnecessarily large. For information about the size limitations of PDF documents e-filed in CM/ECF, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

Documents should be scanned in black and white. Documents should not be scanned in grayscale. Color documents including, but not limited to, color photographs and highlighted documents, can be scanned in color and electronically filed in CM/ECF. However, documents should not be scanned in color unless the court needs to see something in color. In other words, a document should *not* be scanned in color just because it was signed in blue ink.

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

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

Consider requesting a deposition transcript in electronic format from a court reporter so excerpts of the deposition do not need to be scanned before e-filing.

IMPORTANT: Filers are strongly encouraged to verify a document's content and legibility before electronically filing the document.

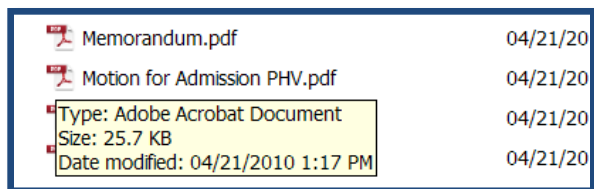
SIZE OF PDF DOCUMENTS

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

- A *single* PDF document (either the main document *or* an attachment to the main document) larger than 40 megabytes (MB). Forty megabytes (40MB) equals 40,000 kilobytes (40000KB).
- A *merged* PDF document (including the main document and all its attachments) larger than 82 megabytes (MB). Eighty megabytes (82MB) equals 82,000 kilobytes (82000KB).

If a *merged* PDF document is larger than 82MB when a filer tries to electronically file it, the CM/ECF system may “timeout” and the filer will have to start the entire filing process over again with smaller documents.

To determine the size of a *single* PDF document *before* attempting to e-file it, briefly rest your mouse pointer over the PDF document file on your computer until a pop-up window opens as shown below. The window will contain information about the PDF document, including the size of the PDF document.



If a *single* PDF document is larger than 40MB, the filer should first check their PDF writer program to see if it has a feature which 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 parts. When possible, the document should be divided at logical places, such as between sections or chapters.

If a filer has already done everything possible to reduce the size of each *single* PDF document and a *merged* PDF document (the main document *and* all its attachments) still exceed 82MB, the merged document will have to be e-filed in CM/ECF during two or more transactions. Following are the steps involved in e-filing a document during multiple transactions.

| Step | Action |
|------|---|
| 1. | <p>E-file the main document (<i>e.g.</i>, Affidavit in Support of Motion) and as many attachments as possible (up to the 82MB threshold) using the appropriate event.</p> <p><u>Note:</u> When prompted to “Select the appropriate event(s) to which your event relates,” select the previously filed document (usually a pending motion) to which your document relates. This will create a link between these two related documents.</p> |
| 2. | <p>E-file the main document (<i>e.g.</i>, Affidavit in Support of Motion) <i>again</i> (or a placeholder if the main document is very large) and the remaining attachments using the Supplement event.</p> <p><u>Note:</u> When prompted to “Select the appropriate event(s) to which your event relates,” select <u>both</u> the original document (usually a pending motion) to which your document relates <i>and</i> the document e-filed in Step 1 above. This will create a link between all three of these related documents.</p> |
| 3. | <p>If necessary, repeat Step 2.</p> <p><u>Note:</u> When prompted to “Select the appropriate event(s) to which your event relates,” select the original document (usually a pending motion) to which your document relates <i>and</i> the documents e-filed in <i>both</i> Steps 1 and 2 above. This will create a link between all four of these related documents.</p> |

For more information about linking documents, see the [E-FILING OTHER DOCUMENTS](#) section of this user manual. For more information about events, see the [EVENTS](#) section of this user manual.

EXHIBITS AND OTHER ATTACHMENTS

All case documents, including exhibits and other attachments, must be scanned, or converted to PDF and electronically filed in CM/ECF unless they are excluded from mandatory e-filing or are items which cannot be scanned to PDF. For a list of the types of documents excluded from mandatory e-filing, see the [EXCEPTIONS TO MANDATORY E-FILING](#) section of this user manual. Documents excluded from mandatory e-filing and items which cannot be scanned to PDF must be manually delivered to the Clerk's Office for filing with a cover sheet stating why they are being manually filed. Documents and items which are manually delivered to the Clerk's Office for filing must be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. For more information about service of documents, see the [SERVICE OF DOCUMENTS](#) section of this user manual.

Exhibits and attachments must each be scanned or converted to PDF *separately* and *attached separately* to the main document, *except* for the following types of documents which should be scanned together and attached as one PDF document:

- Multiple letters of support filed in a criminal case.
- Multiple victim impact statements filed in a criminal case.
- Multiple supporting documents related to sentencing in a criminal case.
- Multiple civil summonses filed in a divisional shell case.
- A civil case initiating document and a civil cover sheet filed in a divisional shell case.
- An attachment with attachments.
- An appendix to an appeal brief. (See additional information later in this section.)
- Redacted trial and hearing exhibits. (See the [Trial and Hearing Exhibits](#) section of this user manual for more information about e-filing redacted trial and hearing exhibits.)

In addition to scanning or converting exhibits and attachments to PDF and attaching most of them separately (see exceptions above), exhibits and attachments must also be properly described when they are electronically filed. "Exhibit A – Photo," Exhibit A – Photo of House," "Exhibit 2 – Letter," and "Exhibit 2 – Letter signed by Shane Brown" are examples of properly described attachments. "Exhibit," "Exhibit A," and "Exhibit 2" are examples of insufficiently described exhibits. For more information about describing exhibits and attachments, see Step 9 in the [STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE](#) section of this user manual and Step 6 in both the [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CIVIL CASE](#) section and the [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CRIMINAL CASE](#) section of this user manual.

An appendix to an appeal brief should not be attached to the appeal brief. If possible, the entire appendix, including the table of contents, should be scanned as one PDF document, and electronically filed using the **Appendix** event. If the appendix is too large to file as one document, it must be divided into smaller parts before it is e-filed. See the [SIZE OF PDF DOCUMENTS](#) section of this user manual for more information about e-filing large PDF documents.

Color documents, including, but not limited to, color photographs and highlighted documents, can be scanned in color and electronically filed as exhibits or attachments.

Excerpts of referenced documents which are directly germane to the matter under consideration by the court may be attached to a document electronically filed in CM/ECF. Excerpted material should be clearly and prominently identified as such and highlighting or underlining of relevant portions is encouraged. Parties who e-file excerpts of documents do so without prejudice to their right to timely file additional excerpts. Responding parties may e-file additional excerpts they believe are directly pertinent. The court may also require parties to file additional excerpts or the complete document. When excerpts of deposition transcripts are attached to a document, full-sized transcripts, not condensed versions, should be utilized.

Any party moving to amend a pleading in a civil case must attach a copy of the proposed amended pleading to its motion to amend. The proposed changes to the pleading must be highlighted or underlined in the attachment so they are easily identifiable.

Trial and Hearing Exhibits

Pursuant to Civ. LR 43.1.B and Crim. LR 57.3.B, at the conclusion of a trial or evidentiary hearing, the Clerk's Office will electronically file each party's documentary exhibits offered and/or received into evidence (except sealed exhibits) in CM/ECF using the **Restricted Trial/Hearing Exhibits** event. These exhibits will be restricted for a minimum of 21 days. During this time the exhibits will be accessible by court users and case participants only; they will not be accessible by the public.

The Clerk's Office will also separately e-file each party's sealed documentary exhibits (sealed exhibits) offered and/or received into evidence using the **Sealed Trial/Hearing Exhibits** event. These exhibits will be sealed, and they will remain sealed; they will not be accessible by case participants or the public.

After filing the documentary exhibits in CM/ECF, the Clerk's Office will return all original documentary exhibits to the offering party. In addition, pursuant to D.S.D. Civ. LR 43.1(C) and D.S.D. Crim. LR 57.3(C), physical exhibits will also be returned to the offering party at the conclusion of a trial or other proceeding. The offering party will be required to sign a Receipt for the physical exhibits. The offering party is responsible for retention and preservation of all exhibits consistent with the local rules.

Each party is responsible for reviewing its exhibits to determine if any exhibit should be redacted pursuant to D.S.D. Civ. LR 5.2 or D.S.D. Crim. LR 49.1.1. If redactions are required, the offering party must make the necessary redactions and within 21 days electronically file all trial or hearing exhibits in CM/ECF using the **Redacted Trial/Hearing Exhibits** event, including redacted exhibits and exhibits that do not require redaction. This does *not* include sealed exhibits.

When electronically filing exhibits in CM/ECF using the **Redacted Trial/Hearing Exhibits** event, it is not necessary to scan and attach each exhibit separately. The exhibits should be scanned and attached in groups not to exceed 40MB in size. If the groups of exhibits total more than 82MB, the **Supplement** event must be utilized. See the [SIZE OF PDF DOCUMENTS](#) section of this user manual for more information about e-filing large documents.

If, within 21 days, a party has redacted and electronically filed its trial or hearing exhibits using the **Redacted Trial/Hearing Exhibits** event, that party's previously e-filed exhibits will remain restricted and will never be accessible by the public. On the other hand, if a party has not redacted and electronically filed its trial or hearing exhibits in CM/ECF, the Clerk's Office will remove the restrictions on that party's previously e-filed exhibits, thereby making them accessible by the public. The Clerk's Office will notify counsel of this by filing a Notice of Unrestricting Trial/Hearing Exhibits in CM/ECF. In all instances, sealed exhibits e-filed by the Clerk's Office will remain sealed.

Counsel will not receive notice when restricted exhibits are filed in a sealed case. If the case is not a juvenile criminal case and it is later unsealed and less than 21 days have passed since the restricted exhibits were filed, the exhibits will be restricted to case participants when the case is unsealed. If, however, the case is unsealed and more than 21 days have passed since the restricted exhibits were filed, the exhibits will no longer be restricted and will be accessible by the public. When a trial or evidentiary hearing is held in a sealed case, the attorney who offers an exhibit into evidence that should be redacted should *manually* file a redacted version of the exhibit to prevent the unredacted version becoming accessible to the public when the case is unsealed. See the [EXCEPTIONS TO MANDATORY E-FILE](#) section of this user manual for more information about manually filing documents in CM/ECF.

EVENTS

"Events" are utilized in CM/ECF for electronically filing documents and creating docket entries on the docket sheet in all types of cases. Different events have been created for filing different types of documents and enable various case management functions to take place in the background.

It is important to select the correct event when e-filing a document in CM/ECF. Selecting the wrong event can also have unintended consequences. For example, the Speedy Trial Act of 1974, as amended (Speedy Trial Act), sets forth time limits and procedures to minimize undue delay

and promote the prompt disposition of criminal cases. When a motion for continuance is filed in a criminal case using the **Continuance Motion under 18:3161** event, the Speedy Trial clocks in CM/ECF are automatically stopped or “tolled” in the background. The Speedy Trial clocks in CM/ECF are not automatically tolled when a motion for continuance is filed using the **Motion to Continue** event. Therefore, if a defendant has *not* pled or been sentenced and the Speedy Trial Act still applies, a motion for continuance should be filed using the **Continuance Motion under 18:3161** event so the Speedy Trial clocks are automatically tolled. Otherwise, if a defendant has pled or been sentenced and the Speedy Trial Act no longer applies, a motion for continuance should be filed using the **Motion to Continue** event so the Speedy Trial clocks in CM/ECF are not affected.

When electronically filing a document, it is best to use the most specific event available. For example, an amended complaint in a civil case should be e-filed using the **Amended Complaint** event rather than the generic **Amended Document** event.

Use the **Memorandum in Support of Motion**, **Memorandum in Opposition to Motion**, and **Ex Parte Memorandum in Support of Motion** events to electronically file memorandums related to a motion. Do not use the **Brief** event for this purpose. Use the **Brief** event only when directed by the court to brief an issue.

When electronically filing a sentencing memorandum which contains a motion for departure or a motion for variance, use either the **Sealed Motion for Departure – SEALED DOCKET ENTRY** event or the **Sealed Motion for Variance – SEALED DOCKET ENTRY** event and *not* the **Sealed Sentencing Memorandum – SEALED DOCKET ENTRY** event. Using a motion event ensures the motion will appear on the court’s **Pending Motions Report** and will be considered by the court. For more information about the **Pending Motions Report**, see the [E-FILING OTHER DOCUMENTS](#) section of this user manual.

For help selecting the correct event, see the [Civil Case Events List](#) and [Criminal Case Events List](#) posted on the district court’s website. Also see Step 1 in both the [STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE](#) and the [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CIVIL CASE](#) sections of this user manual and Step 5 of the [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CRIMINAL CASE](#) section of this user manual. For additional help locating the correct event, click on the **Search** menu on the CM/ECF menu bar. For more information about using the **Search** menu, see the [SEARCH MENU](#) section of this user manual. If you are still unsure which event to use, contact the Clerk’s office *before* e-filing a document in CM/ECF.

PAY.GOV

Pay.gov is a convenient way to make secure credit card payments directly to the United States Treasury via the internet. CM/ECF utilizes Pay.gov so filers can pay certain district court fees

during the electronic filing process. The following events allow the filer to pay the associated district court fee utilizing Pay.gov:

Civil Events

- Complaint & Civil Cover Sheet (SHELL CASE)
- Complaint – Prisoner Civil Rights (42:1983) (SHELL CASE)
- Complaint – Social Security Appeal & Civil Cover Sheet (SHELL CASE)
- Motion for Admission Pro Hac Vice
- Notice of Appeal
- Notice of Appeal – Cross Appeal
- Notice of Appeal – Interlocutory
- Notice of Removal & Civil Cover Sheet (SHELL CASE)
- Petition for Writ of Habeas Corpus (28:2241) (SHELL CASE)
- Petition for Writ of Habeas Corpus (28:2254) & Civil Cover Sheet (SHELL CASE)
- Petition for Writ of Mandamus (SHELL CASE)

Criminal Events

- Appeal from Magistrate Judge Conviction and/or Sentence
- Motion for Admission Pro Hac Vice
- Notice of Appeal – Conditions of Release
- Notice of Appeal – Final Judgement
- Notice of Appeal – Interlocutory

During the electronic filing process, a filer using one of these events will be presented with a **Credit Card Payment Information** screen and a **Payment Summary and Authorization** screen so they can enter the information necessary to pay the associated district court fee using a credit card. These screens are like payment screens commonly seen when making an online purchase.

Occasionally, filers make inadvertent, duplicate, or erroneous credit card payments utilizing Pay.gov. These payments can be incurred as the result of using the wrong event, filing in the wrong case, etc. The Clerk's Office cannot void these payments. Attorneys seeking a refund should submit a written request in the form of a letter addressed to: Clerk, U.S. District Court, Attn: Administrative Services Unit, Finance Department, 314 S. Main Avenue, Suite 100, Sioux Falls, SD 57104. The letter must include the name, address, and telephone number of the party requesting the refund. Upon verification of the error, the district court's finance department will process the refund to the same credit card on which the erroneous payment was made. Refund checks will not be issued.

Filers can run an **Internet Payment History** report in CM/ECF at any time to see a list of all credit card payments they have made in CM/ECF utilizing Pay.gov during a specified period. There is no fee for viewing this report. For more information regarding this report, see the [Internet Payment History](#) section of this user manual.

For additional information about Pay.gov see Step 14 of the [STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE](#) section of this user manual. Also see the [Pay.gov Credit Card Payment Guide](#) posted on the district court's website or go to the Pay.gov website located at www.pay.gov.

REDACTING DOCUMENTS

In order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, pursuant to the E-Government Act of 2002, as amended, [Fed. R. Civ. P. 5.2](#), [Fed. R. Crim. P. 49.1](#), D.S.D. Civ. LR 5.2(A), and D.S.D. Crim. LR 49.1.1(A), parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the district court, whether filed electronically or manually, including exhibits and other attachments, unless otherwise ordered by the court:

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

Additionally, D.S.D. Civ. LR 5.1(E), and D.S.D. Crim. LR 49.1(E) require filers to completely redact website addresses from all filed documents directing the court to websites containing personal data identifiers and/or pornography.

After electronically filing the redacted version of a document in CM/ECF, filers may manually deliver an *unredacted* version of the document with the Clerk's Office for filing under seal. Such documents must be accompanied by a cover sheet stating the following, "Document filed under seal pursuant to the E-Government Act." The Clerk's Office will enter the unredacted version of a redacted document in CM/ECF under seal using the **Sealed Document** event. For information about filing unredacted documents under seal, see the [Unredacted Documents](#) section of this user manual.

Although not specifically required to be redacted, caution should be used when filing documents containing sensitive information, including, but not limited to, (1) personal identifying numbers, such as driver's license numbers, (2) medical records, including treatment and diagnosis, (3) employment history, (4) individual financial information, and (5) proprietary or trade secret information.

For more information about redacting documents, see the [REDACTION TIPS](#) section of this user manual.

IMPORTANT: Redaction is the sole responsibility of counsel and the parties. Neither the Clerk's Office nor court reporters or transcriptionists review documents or transcripts for information that should be redacted.

REDACTION TIPS

Documents which are incorrectly redacted may still contain personal data identifiers or other information. Filers should use extra care to make sure electronically filed documents are fully and completely free of information which should be redacted, including hidden data. Although documents may appear to be redacted, hidden data may still contain unredacted personal data identifiers and other confidential information. Beware of the following:

- Changing the font to white makes it look like the words disappear, but they don't.
- Document files created using word processing software (including Microsoft Word, Corel WordPerfect, etc.) retain a lot of hidden code called "metadata" which can contain revision history and other information. This metadata can reveal anything that was contained in the document file at any time, even text which was previously deleted or changed—even if the document was re-saved. This is useful for tracking revisions, but if this information is not purged from the document file, someone can look at this information, even after the document 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 to reveal the text underneath.
- Using markers, 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 several times throughout a document.

The district court does not endorse any specific method for "sanitizing" a document. There are several consulting and software resources which specialize in data redaction.

For more information about metadata, see the [Guidelines for Editing Metadata](#) posted on the district court's website.

HYPERLINKS

Electronically filed documents can include active hyperlinks to previously filed documents in the same case or another case filed in this district court. These are known as "cross-document hyperlinks." It is also possible to link two or more documents in the same event (*e.g.*, create a hyperlink in the main document to an attachment) when those documents have not yet been filed in CM/ECF. For specific instructions about adding active cross-document hyperlinks to a

document created in Microsoft Word or Corel WordPerfect, see the [Guide to Cross-Document Hyperlinks](#) posted on the district court's website.

Electronically filed documents can include active cross-document hyperlinks to previously filed documents in *other* federal courts which use CM/ECF. CM/ECF is currently used in over 200 different federal courts, including United States district courts, United States bankruptcy 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 detailed list of federal courts that use CM/ECF go to the [PACER Service Center](#) website.

Electronically filed documents can also include active hyperlinks to items posted on the internet. Pursuant to D.S.D. Civ. LR 5.1(E) and D.S.D. Crim. LR 49.1(E), filers must completely redact any hyperlinks in a filed document which direct the court to a website containing personal data identifiers and/or pornography. For more information about redacting documents, see the [REDACTING DOCUMENTS](#) and the [Unredacted Documents](#) sections of this user manual.

SIGNATURES

Pursuant to D.S.D. Civ. LR 10.1(B) and D.S.D. Crim. LR 57.6(B), an electronically filed document must include a signature block which sets forth the name, address, telephone number, and email address of the filer. This information should not be included in a header or a footer which appears on every page of a filed document or as part of the case caption.

The signature block must also contain an ink or facsimile signature of the filer, or the typed name of the filer preceded by an “/s/,” as in the following example:

/s/ Nelson E. Wiseman

The signature on the document must belong to the same person whose PACER account was used to e-file the document. The signature on the document, together with the filer's PACER username and password, serve as the filer's signature for purposes of the federal rules of procedure, the local rules of practice of this district court, and any other purpose for which a signature is required in connection to proceedings before this district court.

Only attorneys and pro se filers can sign their electronically filed documents using an “/s/” and their typed name on the signature line. Affidavits and declarations signed by anyone other than the attorney or pro se filer who e-filed the document must contain the actual ink signature of the affiant or declarant. Notarized documents must also contain the actual ink signature of the notary public.

Pursuant to D.S.D. Civ. LR 5.1(D) and D.S.D. Crim. LR 49.1(D), documents requiring the signatures of more than one party may be e-filed by either (a) submitting a scanned document containing all necessary signatures, or (b) in any other manner approved by the court. It is never

permissible for a filer to sign a document for another person by typing an “/s/” and the other person’s name on a signature line in the document.

Pursuant to D.S.D. Civ. LR 83.2(E) and D.S.D. Crim. LR 44.1(E), local counsel must sign and file all documents. Attorneys who are admitted pro hac vice are not allowed to file documents with this district court and should not sign a document which is e-filed using local counsel’s PACER username and password. If local counsel e-files a document and pro hac vice counsel insists on signing the document, local counsel’s signature must also be on the document and pro hac vice counsel cannot sign the document by placing a “/s/” and their typed name on a signature line in the document.

REMINDER: Documents that are *manually* filed with the Clerk’s Office **MUST** include the filer’s actual ink signature.

SERVICE OF DOCUMENTS

When a filer electronically files a document in CM/ECF a Notice of Electronic Filing (NEF) email is automatically generated and sent to the appropriate case participants. Pursuant to D.S.D. Civ. LR 5.1(A) and D.S.D. Crim. LR 49.1(A), receipt of the NEF email constitutes electronic service on those attorneys who consented to receive electronic notice at the time of registration and on those non-prisoner pro se parties who requested to receive electronic notice. For more information about electronic service, see the [NOTICE OF ELECTRONIC FILING \(NEF\) EMAIL](#) section of this user manual.

All case participants — or one certain case participant — may not receive a NEF email when a document is electronically filed in CM/ECF. This may occur for several reasons, including the following:

- The event used to file the document did not generate a NEF email. This includes sealed plea and sentencing related documents filed in a criminal case.
- Prisoner pro se parties do not receive electronic service.
- A non-prisoner pro se party has not requested to receive electronic service.
- An attorney is exempted from receiving electronic service.

Those case participants entitled to receive service who do not receive a NEF email *must* be manually served with copies of the filed document in accordance with the federal rules of procedure and the local rules of practice of this district court. A certificate of service is required and should be *attached* to the document. The certificate must identify the person or persons to be served and how manual service will be accomplished.

When, for whatever reason, a document cannot be electronically filed and must be *manually* delivered to the Clerk’s Office for filing (including documents in criminal cases involving

juvenile defendants), those case participants entitled to receive service must be *manually* served with a copy of the filed document in accordance with the federal rules of procedure and the local rules of practice of this district court. This is true even if those case participants will receive electronic notice when the Clerk's Office enters the document in CM/ECF. Entry of the document in CM/ECF by the Clerk's Office does not constitute valid service by the filer.

NOTICE OF ELECTRONIC FILING (NEF) EMAIL

When most documents are filed in CM/ECF, a Notice of Electronic Filing (NEF) email is automatically generated and sent to the appropriate case participants. This is known as electronic notice and constitutes service on those attorneys who have registered for electronic filing privileges and those non-prisoner pro se parties who have registered to receive service of documents in accordance with the federal rules of procedure and the local rules of practice of this district court.

The subject line of a NEF email looks like 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 |
|---------|---|---------------------|----|

The NEF email contains the same information as the NEF receipt discussed in the [NEF RECEIPT](#) section of this user manual, plus an active document number hyperlink for accessing the filed document (if a document was filed). If a document was filed, provided it is not restricted, the *first time* a recipient of a NEF email clicks on the active document number hyperlink contained in the NEF email, the email recipient can look at the document and any attachments for free. The email recipient should print or save a copy of the document (and any attachments) the first time they look at it because the next time they look at it they will be charged applicable PACER access fees. One-time free access to the filed document (and any attachments) expires 15 days after receipt of a NEF email.

For more information about NEF receipts, see the [NEF RECEIPT](#) section of this user manual. For information about accessing *restricted* documents from a NEF email, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual. For information about PACER, see the [PACER](#) section of this user manual or go to the [PACER Service Center](#) website.

Although CM/ECF immediately transmits a NEF receipt back to the filer's screen, NEF emails are not sent to any case participants, including the filer, when a document is filed by the court in a sealed case or when the document being filed results in a sealed docket entry. NEF emails are also not sent to the filer when civil case initiating documents are e-filed in a divisional shell case using specific shell case events. For more information about sealed docket entries, see the [SEALED DOCKET ENTRIES](#) section of this user manual. For more information about e-filing in a divisional shell case, see both the [E-FILING CIVIL CASE INITIATING DOCUMENTS](#) and the [STEP-](#)

[BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE](#) sections of this user manual.

An attorney can receive electronic notice when a document is filed in a case in which the attorney is *not* a participant. In this situation, when the attorney (or an email recipient on behalf of the attorney) receives a NEF email and clicks on the active document number hyperlink contained in the NEF email, the attorney will be routed to PACER where they can choose whether to pay applicable PACER access fees to look at the document. For more information about receiving electronic notice when a document is filed in a case in which an attorney is not a participant, see the [Configuring Email Addresses](#) section of this user manual.

Even when a document is not actually filed in CM/ECF, case participants may receive electronic notice when docket activity occurs in a case. When this occurs, the NEF email will notify the recipient of the docket activity, but the NEF email will not contain an active document number hyperlink for accessing a filed document. Among other instances, this happens when oral orders and text orders are filed by the court.

Attorneys and non-prisoner pro se parties who have requested to receive electronic notice are required to properly maintain the primary email address associated with their *national* PACER account and optional secondary email addresses associated with their *local* CM/ECF account. If a NEF email is returned to the district court as undeliverable because an attorney or non-prisoner pro se party has failed to keep a primary or secondary email address up to date, the Clerk's Office, although not required to do so, will make one attempt to contact the attorney or pro se party to update their email address.

WHAT CONSTITUTES E-FILING/OFFICIAL RECORD

Pursuant to D.S.D. Civ. LR 5.1(A) and D.S.D. Crim. LR 49.1(A), electronic transmission of a document to the CM/ECF system, together with transmission of a Notice of Electronic Filing (NEF) from the district court constitutes filing of the document for all purposes of the federal rules of procedure and the local rules of practice of this district court. This also constitutes entry of the document on the docket kept by the Clerk of Court pursuant to [Fed. R. Civ. P. 58](#) and [Fed. R. Civ. P. 79](#).

An electronically filed document is deemed filed at the date and time stated on the NEF email as generated by the CM/ECF system. In instances when a NEF email is not generated, such as when civil case initiating documents are e-filed in a divisional shell case or when a sentencing related document is e-filed in a criminal case which results in a sealed docket entry, a document is deemed delivered to the Clerk's Office at the date and time stated on the NEF receipt. For more information about NEF receipts, see the [NEF RECEIPT](#) section of this user manual. For more information about e-filing civil case initiating documents, see the [E-FILING CIVIL CASE](#)

[INITIATING DOCUMENTS IN A SHELL CASE](#) and the [STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE](#) sections of this user manual.

The district court's server is 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 filer is bound by the document as filed.

E-FILING CIVIL CASE INITIATING DOCUMENTS

In the past, attorneys had to manually deliver civil case initiating documents to the Clerk's Office for filing. Now, attorneys have the option of manually filing civil case initiating documents or electronically "filing" civil case initiating documents in CM/ECF using the following specific events. (Initial pleading events are distinguished with an asterisk*):

- Complaint & Civil Cover Sheet (SHELL CASE)*
- Complaint – Prisoner Civil Rights (42:1983) (SHELL CASE)*
- Complaint – Social Security Appeal & Civil Cover Sheet (SHELL CASE)*
- Motion to Proceed in Forma Pauperis (SHELL CASE)
- Motion to Reduce Sentence – Davis Claim (SHELL CASE)*
- Motion to Reduce Sentence – Johnson Claim (SHELL CASE)*
- Motion to Vacate/Set Aside/Correct Sentence (28:2255) (SHELL CASE)*
- Notice of Removal & Civil Cover Sheet (SHELL CASE)*
- Petition for Writ of Error Coram Nobis (SHELL CASE)*
- Petition for Writ of Habeas Corpus (28:2241) (SHELL CASE)*
- Petition for Writ of Habeas Corpus (28:2254) & Civil Cover Sheet (SHELL CASE)*
- Petition for Writ of Mandamus (SHELL CASE)*
- Petition to Enforce IRS Summons (SHELL CASE)*
- Request for Issuance of Summons(es) (SHELL CASE)

When an attorney electronically files initial pleadings and other civil case initiating documents in CM/ECF they do not actually e-file the documents in a new civil case. Instead, the attorney e-files them in one of the following four divisional "shell" cases where "XX" represents the current year:

- XX-1000 (Northern Division shell case)
- XX-3000 (Central Division shell case)
- XX-4000 (Southern Division shell case)
- XX-5000 (Western Division shell case)

Documents e-filed in a shell case using one of the specific “(SHELL CASE)” events listed above will be sealed. Documents e-filed in a shell case using events other than these specific “(SHELL CASE)” events may not be sealed.

The divisional shell cases are holding places for civil case initiating documents which technically are only electronically delivered to the Clerk’s Office. The documents are not considered filed for statute of limitation purposes until the filing fee (if any) is paid or an appropriate motion to proceed in forma pauperis (ifp) is filed.

Civil case initiating documents are held in a divisional shell case until the Clerk’s Office opens a new civil case and files the documents in the new case. When a filing fee is required, the Clerk’s office will not open a new civil case until after the filing fee is paid or an appropriate motion to proceed in forma pauperis (ifp) is filed. A required filing fee must be paid or a motion to proceed ifp must be filed prior to or on the same day as an initial pleading is e-filed in a shell case. Otherwise, the attorney will be required to re-file the civil case initiating documents.

When a filing fee is *not* required, the Clerk’s Office will open a new civil case and file the civil case initiating documents in the new case as of the date the initial pleading was e-filed in the shell case.

When a filing fee *is* required, but the attorney is requesting waiver of the fee, it is best when the motion to proceed ifp is e-filed in the divisional shell case prior to when the initial pleading is e-filed in a divisional shell case. When both the initial pleading and the motion to proceed ifp are appropriately filed, the Clerk’s Office will open a new civil case and re-file all the civil case initiating documents in the new case as of the date the initial pleading was e-filed in the shell case.

When a filing fee *is* required and it is not appropriate to file a motion to proceed ifp, the filing fee should be paid utilizing Pay.gov during the process of e-filing the initial pleading in the shell case. Otherwise, the filer should contact the Clerk’s Office and arrange to manually pay the filing fee *prior* to when the initial pleading is filed in a shell case so as not to unnecessarily delay opening of the new civil case. When the filing fee is manually paid, the filer will be asked to enter the manual receipt number during the process of e-filing the initial pleading in the shell case. Once the filing fee has been appropriately paid, the Clerk’s Office will open a new civil case and file all the civil case initiating documents in the new case as of the date the initial pleading was e-filed in the shell case.

When a document is e-filed in a divisional shell case using any of the events specifically designated for this purpose the docket entry will be sealed and will not be visible in PACER or at the PACER public access terminals located in the Clerk’s Office in Sioux Falls, Rapid City, and Pierre. Additionally, the filing attorney will *not* receive a NEF email when the document is e-filed in CM/ECF. Since the filing attorney will not receive a NEF email, the filer is encouraged to print a copy of the NEF receipt when they are finished e-filing a document in a divisional shell

case as evidence the document was delivered to the Clerk's Office at the date and time stated on the NEF receipt.

When the Clerk's Office opens a new civil case, the filing attorney will receive NEF emails when the civil case initiating documents are filed in the new case and will be advised of the new civil case number and the district judge assigned to the case at that time. The filing attorney will be able to access the docket sheet and the documents filed in the new civil case *unless* the new civil case is sealed. The public will also be able to access the docket sheet and the documents filed in the new civil case through PACER and at the PACER public access terminals located in the Clerk's Office *unless* the case, the docket entries, or the documents are sealed. In the unlikely event the new civil case is sealed, the filing attorney will be manually advised of the new civil case number and the district judge assigned to the case. For more information, see the [ACCESS LEVEL RESTRICTIONS](#) section (and related sections) and the [NOTICE OF ELECTRONIC FILING \(NEF\) EMAIL](#) section of this user manual.

After e-filing an initial pleading and the required civil cover sheet in a divisional shell case, an attorney should e-file their other civil case initiating documents, including motions to proceed ifp or requests for summons(es), in the shell case using the appropriate events. However, the attorney should wait to e-file corporate disclosure statements, motions (except motions to proceed ifp), and all other case documents until after the new civil case has been opened.

For more information about e-filing documents in a divisional shell case, see the [STEP-BY-STEP GUIDE FOR E-FILEING A CIVIL COMPLAINT IN A SHELL CASE](#) section of this user manual.

IMPORTANT: The required civil cover sheet should be scanned as the last page of the initial pleading when electronically filed in a divisional shell case.

DOCUMENTS ENTERED BY THE COURT

All electronically filed orders, judgments, and proceedings of this district 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 signed the document.

Any oral order, text order, or other entry by the court on the docket without an attached document is official and binding. For more information about electronic notice when a document is not actually filed in CM/ECF, see the [NOTICE OF ELECTRONIC FILING \(NEF\) EMAIL](#) section of this user manual.

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 generates and sends a Notice of Electronic Filing (NEF) email containing an active document number hyperlink for the document to all appropriate case participants. Electronic transmission of the NEF email constitutes notice as required by [Fed. R. Civ. P. 77\(d\)](#) and [Fed. R. Crim. P. 49\(c\)](#). The Clerk's Office will send a copy of the order or judgment by regular mail or email to appropriate case participants who do not receive electronic notice.

Immediately upon entry on the docket of a *sealed* order or judgment in an *unsealed* case, case participants may receive electronic notice in the form of a NEF email, however, because the document is sealed, they will not be able to access the document from the NEF email. In this circumstance, the Clerk's Office will send a copy of the sealed order or judgment by regular mail or email to the appropriate case participants.

When an order or judgment is entered on the docket in a *sealed* case, such as a criminal case involving a juvenile defendant, case participants will not receive electronic notice in the form of a NEF email when the document is filed. In this circumstance, the Clerk's Office will send a copy of the order or judgment by regular mail or email to the appropriate case participants.

ACCESS LEVEL RESTRICTIONS

CM/ECF accommodates two different types of users in several different types of roles. Court users, including everyone in the Clerk's Office, chambers' offices, and the United States Probation Office, generally have unlimited access to case documents and other information stored in CM/ECF. Public users, including attorneys, pro se parties, persons using the public access terminals in the Clerk's Office and anyone with a PACER account (the public), have access to most documents and information stored in CM/ECF, but access to some documents and information may be restricted. Access can be restricted either at the case level, docket entry level, or document level. Following is a brief discussion of these different levels of restriction.

Case Restrictions

Cases can be sealed. *Sealed cases* are not accessible by public users. Since sealed cases are not accessible by public users, the documents and information associated with sealed cases are not accessible by public users either. Attorneys and pro se filers cannot electronically file documents in sealed cases. Criminal cases involving juvenile defendants are sealed when they are opened in CM/ECF and are never unsealed. Other cases may be sealed when they are opened in CM/ECF and later unsealed by operation of law or by order of the court.

Unsealed criminal cases filed before November 1, 2004, are only accessible by case participants through PACER. Otherwise, these cases are accessible by all public users at the public access

terminals located in the Clerk's Office in Sioux Falls, Rapid City, and Pierre. For more information about PACER, see the [PACER](#) section of this user manual.

Docket Entry Restrictions

Docket entries can be sealed or restricted. *Sealed docket entries* are not visible to public users. Since sealed docket entries are not visible to public users, the documents and information associated with sealed docket entries are not visible or accessible by public users either. When attorneys electronically file civil case initiating documents in a divisional shell case using specific shell case events, the docket entries for these documents are sealed. For more information about e-filing documents in a shell case, see the [E-FILING CIVIL CASE INITIATING DOCUMENTS](#) section of this user manual. Attorneys and pro se filers can e-file six types of documents in a criminal case that result in sealed docket entries. The specific events used for e-filing these types of documents include the words "SEALED DOCKET ENTRY" in their titles. For more information and a list of these events, see the [SEALED DOCKET ENTRIES](#) section of this user manual.

Restricted docket entries may or may not be visible to a public user, depending on if the public user has a role in a case. For example, restricted docket entries may be visible to all the participants in a case, but not to anyone who is not a participant in the case. These types of entries are restricted to case participants. Similarly, restricted docket entries may be visible to case participants associated with one party in a case, but not to anyone else who is not associated with that party. These types of entries are known as *ex parte* docket entries. If a restricted docket entry is visible to a public user, the document and information associated with the docket entry are accessible by the public user. If a restricted docket entry is not visible to a public user, the documents and information associated with the restricted docket entry are not accessible to that public user either.

For more information about sealed and restricted *docket entries*, see the [SEALED DOCKET ENTRIES](#) and the [RESTRICTED DOCKET ENTRIES](#) sections of this user manual.

Document Restrictions

Documents can be sealed or restricted. The docket entries for *sealed documents* are visible to public users, however, the actual sealed documents are not accessible by public users. Attorneys and pro se filers can electronically file several types of plea and sentencing related documents in criminal cases that are automatically sealed. For more information about these events, see the [Plea and Sentencing Related Documents](#) section of this user manual.

The docket entries for *restricted documents* are also visible to public users, but the actual restricted documents may or may not be accessible by a public user, depending on if the public user has a role in the case. For example, presentence reports and bail reports are routinely filed in criminal cases by the United States Probation Office. These reports are only accessible by

counsel for the government and counsel for the defendant who is the subject of the report. No other public users can access these documents in CM/ECF, including counsel for co-defendants in multi-defendant criminal cases.

For more information about sealed and restricted documents, see the [SEALED DOCUMENTS](#) and [RESTRICTED DOCUMENTS](#) sections of this user manual.

SEALED DOCKET ENTRIES

Sealed docket entries in civil and criminal cases are not visible on the docket sheet. This includes the docket entries for all civil case initiating documents electronically filed in a divisional shell case using the specific events located on the civil **Case Initiating Documents – SHELL CASE** events menu and events located on the criminal **Sealed Plea & Sentencing Related Documents** events menu with the words “SEALED DOCKET ENTRY” in their titles. By default, the documents associated with sealed docket entries are also sealed and are not accessible by case participants or other public users. These are the *only* events filers can use to e-file a document in CM/ECF which will result in the docket entry automatically being sealed when the document is filed. Filers do not need permission to e-file documents in CM/ECF using these events.

The filing attorney will not receive a NEF email when a civil case initiating document is e-filed in a divisional shell case using the specific events located on the civil **Case Initiating Documents – SHELL CASE** events menu. The filer is encouraged to print a copy of the NEF receipt when they are finished e-filing a document in a shell case as evidence the document was delivered to the Clerk’s Office at the date and time stated on the NEF receipt. For more information, see the [NEF RECEIPT](#), the [E-FILING CIVIL CASE INITIATING DOCUMENTS](#), and the [WHAT CONSTITUTES E-FILING/OFFICIAL RECORD](#) sections of this user manual.

To protect the safety of all federal inmates regardless of their cooperation with the government, as well as the integrity of any ongoing criminal investigations or related prosecutions, it is this district court’s intent to make it impossible to determine by examining the court record whether there was, or was not, cooperation. In pursuit of this objective, docket entries are automatically sealed when sentencing related documents are e-filed using the following events located on the criminal **Sealed Plea & Sentencing Related Documents** events menu in CM/ECF:

- Sealed Motion for Departure – SEALED DOCKET ENTRY
- Sealed Motion for Variance – SEALED DOCKET ENTRY
- Sealed Notice of Intent to Seek Departure or Variance – SEALED DOCKET ENTRY
- Sealed Objections to Sentencing Document (not PSR) – SEALED DOCKET ENTRY
- Sealed Response to Sealed Sentencing Document (not PSR) – SEALED DOCKET ENTRY
- Sealed Sentencing Memorandum – SEALED DOCKET ENTRY

Case participants, including the filer, do *not* receive a NEF email when a document is electronically filed using one of these events and the docket entry will *not* be visible on the public docket sheet. A filer who e-files a document using one of these events *must* manually serve a copy of the sealed document, together with a copy of the NEF receipt, on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. A certificate of service *must* also be attached to the document identifying the person or persons to be served and how manual service will be accomplished. The document should *not* be manually served on the court or the United States Probation Office. For more information, see the [NEF RECEIPT](#) section of this user manual.

Pursuant to D.S.D. Crim. LR 32.1(A), a motion for departure or variance may be joined with a party's sentencing memorandum. When a sentencing memorandum contains a motion for departure or variance it should *not* be e-filed using the criminal **Sealed Sentencing Memorandum – SEALED DOCKET ENTRY** event. Instead, it should be e-filed using either the criminal **Sealed Motion for Departure – SEALED DOCKET ENTRY** event or the criminal **Sealed Motion for Variance – SEALED DOCKET ENTRY** event. This ensures the motion will appear on the court's **Pending Motions Report** and be considered by the court. For more information about the **Pending Motions Report**, see the [E-FILING OTHER DOCUMENTS](#) section of this user manual.

Although a document is not actually filed, filers can electronically file a notice of filing error in a criminal case which results in a sealed docket entry if the appropriate selections are made during the e-filing process. For more information about e-filing a notice of filing error, see the [Notices of Filing Error](#) and [DOCUMENTS E-FILED IN ERROR](#) sections of this user manual.

IMPORTANT: When a document is e-filed and it results in a sealed docket entry, the document **MUST** include an attached certificate of service and be manually served on case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. In addition, a copy of the NEF receipt **MUST** be included with the document when it is manually served.

SEALED DOCUMENTS

The docket entries for *sealed documents* filed in civil and criminal cases are visible on the public docket sheet, but the actual sealed documents are not accessible by case participants or other public users.

Sealed documents generally fall into the following categories:

- Unredacted Documents
- Motions to Seal and their Attachments
- Documents and Attachments Subject to a Protection Order
- Sealed Trial/Hearing Exhibits

Except for sealed trial/hearing exhibits, these specific types of sealed documents are discussed in the following sections. Sealed trial/hearing exhibits are discussed in the [Trial and Hearing Exhibits](#) section of this user manual.

Plea and Sentencing Related Documents

Most plea and sentencing related documents are automatically sealed to protect the safety of federal inmates. The following events are automatically sealed upon filing but counsel for the applicable party does have access and can view these documents via the NEF when they are filed:

- Sealed Statement of Factual Basis
- Sealed Plea Agreement Supplement
- Sealed Allocution Statement
- Sealed Letter(s) of Support
- Sealed Supporting Document(s) Related to Sentencing
- Sealed Victim Impact Statement(s)

The following events, which are also automatically sealed upon filing, do not have applicable party access:

- Sealed Evaluation
- Sealed Objections to Presentence Report (PSR)
- Sealed Response to Sealed Objections to Presentence Report

Case participants will receive a NEF email when a document is electronically filed using these events and the docket entry will be visible on the public docket sheet. However, since public users are unable to access sealed documents, the filer *must* manually serve a copy of the sealed document together with a copy of the NEF receipt on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. A certificate of service *must* be attached to the document identifying the person or persons to be served and how manual service will be accomplished. The document should *not* be manually served on the court or the United States Probation Office.

IMPORTANT: Documents relating to the sentencing process are confidential and should not be distributed beyond counsel and the defendant (through defense counsel), unless otherwise ordered by the court. Consistent with [D.S.D. Crim. LR 57.10\(C\)](#), defense counsel may review sealed and restricted court documents with their clients, but defense counsel is prohibited from providing copies of any sealed or restricted court documents to any criminal client.

Unredacted Documents

The E-Government Act of 2002, as amended, prohibits the filing of documents containing personal data identifiers. After electronically filing a document in which personal data identifiers have been redacted, a filer may manually deliver an *unredacted* version of the document with the Clerk's Office for filing pursuant to D.S.D. Civ. LR 5.2(B) and D.S.D. Crim. LR 49.1.1(B). Any such filing must be accompanied by a cover sheet stating, "Document filed under seal pursuant to the E-Government Act." The Clerk's Office will enter such filing in CM/ECF under seal using the **Sealed Document** event. For more information about redacting personal data identifiers, see the [REDACTING DOCUMENTS](#) section of this user manual.

D.S.D. Civ. LR 5.1(E) and D.S.D. Crim. LR 49.1(E) also prohibit the filing of documents containing hyperlinks directing the court to websites containing personal data identifiers and/or pornography. After electronically filing a document in which such websites have been redacted, a filer should manually deliver an *unredacted* version of the document with the Clerk's Office for filing with a cover sheet stating, "Document filed under seal pursuant to E-Government Act." The Clerk's Office will enter such filing in CM/ECF under seal using the **Sealed Document** event.

Case participants will receive a NEF email when a document is electronically filed using the **Sealed Document** event and the docket entry will be visible on the public docket sheet. However, since public users are unable to access sealed documents, the filer *must* manually serve a copy of the sealed document on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court together with a copy of the NEF receipt. A certificate of service *must* be attached to the document identifying the person or persons to be served and how manual service will be accomplished. A document electronically filed using one of these events should *not* be manually served on the court or the United States Probation Office. For more information, see the [NEF RECEIPT](#) section of this user manual.

Motions to Seal and their Attachments

Other than the specific documents identified in the [SEALED DOCKET ENTRIES](#) and [Plea and Sentencing Related Documents](#) sections of this user manual, filers are unable to electronically file sealed documents in CM/ECF without first obtaining permission from the court. Filers can request permission from the court by manually filing a motion to seal. Pursuant to D.S.D. Civ. LR 7.1(A) and D.S.D. Crim. LR 47.1(B), such a motion must include (1) proposed reasons supported by specific factual representations to justify sealing, and (2) an explanation why alternatives to sealing won't provide sufficient protection.

A motion to seal a document that has already been filed in CM/ECF can be electronically filed by an attorney or pro se filer using the **Motion to Seal Existing Document** event. The motion

will be accessible by case participants and other public users. The previously filed document, which is the subject of the motion, will not be sealed unless or until the court grants the motion to seal.

All other motions to seal and the documents to which they pertain must be manually delivered to the Clerk's Office for filing. The Clerk's Office will then enter such motion to seal in CM/ECF as a public document. The motion to seal will be accessible by all case participants and public users and therefore should *not* contain any information the filer wants sealed. Unless the document is already filed with the district court, the document to which the motion to seal pertains will be attached to the motion and sealed by the Clerk's Office and will not be accessible by any case participants or other public users. The attachment to the motion to seal will not be considered by the court for any purpose other than to determine whether it should be sealed.

If the court enters an order granting the motion to seal, the Clerk's Office will file the attachment under seal in CM/ECE as a separate docket entry on the public docket sheet using the **Sealed Document** event. The court will then consider the sealed document for the purpose for which it was filed. Case participants will receive a NEF email when the sealed document is filed and the sealed document will be visible on the public docket sheet, but it will not be accessible by case participants or other public users.

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.

As indicated above, a motion to seal should not contain any information which should be sealed. If it is necessary to include confidential information in a motion to seal, the filer should deliver the motion to seal to chambers for the express purpose of obtaining an order to seal the motion *prior* to manually delivering the motion to seal to the Clerk's Office for filing. The Clerk's Office cannot seal a motion to seal without an order from the court.

The appropriate case participants will receive a NEF email when an *unsealed* motion to seal is entered in CM/ECF. The docket entry will be visible on the public docket sheet and the motion will be accessible, however, the sealed attachment will not be accessible. The filer *must* manually serve a copy of the sealed document together with a copy of the NEF receipt on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. A certificate of service *must* be attached to the document identifying the person or persons to be served and how manual service will be accomplished. The document should *not* be manually served on the court or the United States Probation Office. For more information, see the [NEF RECEIPT](#) section of this user manual.

Documents Subject to a Protection Order

There is a difference between electronically filing a *document* that is subject to a protection order and filing an *attachment* to a document that is subject to a protection order. This section of the user manual discusses *documents*. For specific information about *attachments*, see the [Attachments Subject to a Protection Order](#) section of this user manual.

A document to be filed under seal pursuant to a protection order (or other court order) should be manually delivered to the Clerk's Office for filing with a cover sheet stating, "This document to be filed under seal pursuant to the Protection Order issued in this case on [insert date]." The Clerk's Office will enter the document in CM/ECF using the **Sealed Document** event. Case participants will receive a NEF email when the sealed document is entered in CM/ECF and the sealed document will be visible on the public docket sheet, but it will not be accessible by case participants or other public users. In this circumstance, a separate court order is not required and there is no need to file a redacted version of the document.

A document that is manually delivered to the Clerk's Office for filing under seal, such as a document subject to a protection order, *must* include the filer's actual **ink signature** and be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. A certificate of service *must* be attached to the document identifying the person or persons to be served and how manual service will be accomplished. The document should *not* be manually served on the court or the United States Probation Office.

[Fed. R. Civ. P. 26 \(c\)](#) provides the court with a variety of alternatives when it comes to protection orders. Oftentimes the court enters a protection order proposed by the parties which includes language based on subsection (H) of the federal rule. Subsection (H) requires the parties to file documents subject to a protection order in sealed envelopes. When a party manually delivers documents to the Clerk's Office for filing in a sealed envelope pursuant to a protection order, the sealed envelope should be endorsed with the case caption, a generic description of the contents, and the words "CONFIDENTIAL – SUBJECT TO COURT ORDER." When the sealed envelope is received by the Clerk's Office, the Clerk's Office will open it, scan the documents contained in the envelope, and enter the documents in CM/ECF. Because the Clerk's Office does not store paper documents, the original documents contained in the sealed envelope will be shredded immediately after they are scanned *unless*, at the time of filing, the filer specifically requests the documents be returned to the filer.

Attachments Subject to a Protection Order

There is a difference between filing an *attachment* to a document that is subject to a protection order and filing a *document* that is subject to a protection order. This section of the user manual discusses *attachments*. For specific information about *documents*, see the [Documents Subject to a Protection Order](#) section of this user manual.

When a filer electronically files an *unsealed* document in a civil or criminal case which includes attachments that should be sealed pursuant to a protection order (or other court order) a temporary placeholder must be electronically filed for each such attachment. After electronically filing the main document and the required placeholders, the filer should manually deliver the attachments to be filed under seal to the Clerk's Office with a cover sheet identifying the specific placeholders to be replaced and stating, "These documents to be filed under seal pursuant to the Protection Order issued in this case on [insert date]." The Clerk's Office will replace the placeholders with the attachments, which will be sealed. The sealed attachments will be visible on the public docket sheet, but they will not be accessible by case participants or other public users. In this circumstance, a separate court order is not required and there is no need to file redacted versions of the attachments.

Attachments which are manually delivered to the Clerk's Office for filing under seal pursuant to a protection order *must* be manually served on those case participants entitled to receive notice in accordance with the federal rules of procedure and the local rules of practice of this district court. A certificate of service *must* be attached to the document identifying the person or persons to be served and how manual service will be accomplished. The attachments should *not* be manually served on the court or the United States Probation Office.

[Fed. R. Civ. P. 26 \(c\)](#) provides the court with a variety of alternatives when it comes to protection orders. Oftentimes the court enters a protection order proposed by the parties which includes language based on subsection (H) of the federal rule. Subsection (H) requires the parties to file documents subject to a protection order in sealed envelopes. When a party manually delivers documents to the Clerk's Office for filing in a sealed envelope pursuant to a protection order, the sealed envelope should be endorsed with the case caption, a generic description of the contents, and the words "CONFIDENTIAL – SUBJECT TO COURT ORDER." When the sealed envelope is received by the Clerk's Office, the Clerk's Office will open it, scan the documents contained in the envelope, and enter the documents in CM/ECF. Because the Clerk's Office does not store paper documents, the original documents contained in the sealed envelope will be shredded immediately after they are scanned *unless*, at the time of filing, the filer specifically requests the documents be returned to the filer.

RESTRICTED DOCKET ENTRIES

Restricted docket *entries* in civil and criminal cases are not visible on the docket sheet except by certain case participants. By default, access to documents associated with these restricted docket entries is also restricted to these certain case participants.

The most common types of restricted docket entries are the result of electronically filing the following types of documents:

- Ex Parte Documents
- Petitions to Revoke

- Notices of Filing Error
- Notices of Withdrawal and Substitution of Attorney in criminal cases

These specific types of restricted docket entries are discussed in the following sections.

Ex Parte Documents

Ex parte documents may only be filed when service of the document on another party is not required under the federal rules of procedure and the local rules of practice of this district court. A filer who may file an ex parte document should electronically file the ex parte document using one of the following events:

Civil Events

- Ex Parte Motion
- Ex Parte Affidavit in Support of Motion
- Ex Parte Memorandum in Support of Motion

Criminal Events

- Ex Parte CJA Motion
- Ex Parte Motion
- Ex Parte Motion for Revocation
- Ex Parte Motion for Summons
- Ex Parte Motion for Warrant
- Ex Parte Affidavit in Support of Motion
- Ex Parte Memorandum in Support of Motion
- Ex Parte Financial Affidavit – CJA23
- Ex Parte Application for Writ of Habeas Corpus ad Prosequendum
- Ex Parte Application for Writ of Habeas Corpus ad Testificandum

When an ex parte document is electronically filed using one of these specific events, only case participants for the *one* party who filed the document will receive a NEF email when the document is filed and be able to access it. An ex parte document will not be visible on the public docket sheet except by case participants for the one party who filed it.

When an *order* ruling on an ex parte motion is filed in CM/ECF, it is also an ex parte document. Only case participants for the one party who e-filed the original ex parte motion will receive a NEF email when the ex parte order is entered and be able to access it. An ex parte order will not be visible on the public docket sheet except by case participants for the one party who e-filed the original ex parte motion.

For information about accessing restricted documents such as ex parte documents through a NEF email, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual.

Petitions to Revoke

When the United States Probation Office requests a *warrant* (not a summons) in connection with a petition to revoke, the petition to revoke will be restricted when it is electronically filed in CM/ECF. Only attorneys in the United States Attorney's Office will receive a NEF email when the petition to revoke is e-filed. Likewise, only attorneys in the United States Attorney's Office will receive a NEF email when a warrant is issued in connection with the petition to revoke. The petition to revoke and the warrant will only be accessible by attorneys in the United States Attorney's Office until after the defendant is either arrested and/or appears in court. As ordered by the court, when the defendant is safely arrested and/or appears in court the restrictions will be removed from the petition to revoke, and the warrant and they will both become visible on the public docket sheet and be accessible by defense counsel and other public users.

For information about accessing restricted documents such as petitions to revoke through a NEF email, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual.

IMPORTANT: Due to law enforcement safety concerns, if defense counsel inadvertently receives an NEF email for a petition to revoke and/or a warrant before the defendant is arrested, as officers of the United States District Court for the District of South Dakota, defense counsel is prohibited from disclosing knowledge of the petition to revoke and/or warrant to the defendant. This prohibition extends to the defendant's family and associates.

Notices of Filing Error

The **Notice of Filing Error** event can be used to add a notation (not a document) to the docket sheet indicating a previously filed document was filed in error and should be disregarded. If the previously filed document is an ex parte document or a sentencing related document which resulted in a sealed docket entry, the notice of filing error should also be ex parte or sealed. This is accomplished during the e-filing process when the filer responds affirmatively when asked if the notice of filing error relates to an ex parte document or a sealed document. When a notice of filing error is ex parte, only court users and case participants for the party who filed the notice of filing error will receive a NEF email when the notice is filed and be able to see it on the public docket sheet. When a notice of filing error is sealed, only court users will receive a NEF email when the notice is filed, and it will not be visible on the public docket sheet. For additional information about filing a notice of filing error, see the [DOCUMENTS E-FILED IN ERROR](#) section of this user manual.

IMPORTANT: Filing a notice of filing error does NOT seal the original document which was filed in error. Immediately call the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual if the original document which was filed in error should be sealed because it contains personal data identifiers. Otherwise, if the original document which was filed in error should be sealed, the filer MUST file a motion to seal. For information about filing a motion to seal, see the [Motions to Seal and their Attachments](#) section of this user manual.

Notices of Withdrawal and Substitution of Attorney (filed in criminal cases)

The **Notice of Withdrawal and Substitution of Attorney** event can be used to terminate one attorney and add another attorney in a criminal case. Normally, a notice of withdrawal and substitution of attorney should not be restricted. However, when there is a pending warrant for a defendant in a criminal case (often in relation to a petition to revoke) a notice of withdrawal and substitution of attorney electronically filed by someone in the United States Attorney's Office should be restricted. Therefore, during the process of e-filing a notice of withdrawal and substitution of attorney, the filer will be asked if there is a pending warrant for the defendant. If the filer responds negatively to this question, the notice will *not* be restricted. A NEF email will be sent to all the case participants (including the attorney being terminated and the defendant's attorney) and the docket entry will be visible on the public docket sheet. On the other hand, if the filer responds affirmatively to the question, the notice of withdrawal and substitution of attorney will be restricted. A NEF email will only be sent to active case participants in the United States Attorney's Office and the notice will only be visible on the docket sheet by active case participants in the United States Attorney's Office. It will *not* be visible on the public docket sheet. When the defendant is safely arrested and/or appears in court, access restrictions will be removed for the notice of withdrawal and substitution of attorney (at the same time the restrictions are removed for the petition to revoke) and the notice will become visible on the public docket sheet and be accessible by defense counsel and other public users.

RESTRICTED DOCUMENTS

Restricted *documents* filed in civil and criminal cases are visible on the public docket sheet but are not accessible by all public users.

The most common types of restricted documents are the following:

- Presentence Reports
- Bail Reports
- Recommended Special Conditions
- Social Security Appeal and Immigration Case Documents
- Restricted Transcripts
- Restricted Trial/Hearing Exhibits

Except for restricted transcripts and restricted trial/hearing exhibits, these types of restricted documents are discussed in the following sections. Restricted transcripts are discussed in the [TRANSCRIPTS](#) section of this user manual. Restricted trial/hearing exhibits are discussed in the [Trial and Hearing Exhibits](#) section of this user manual.

Presentence Reports, Bail Reports, and Recommended Special Conditions

The United States Probation Office routinely prepares and electronically files the following types of restricted documents in criminal cases:

- Preliminary Bail Reports
- Final Bail Reports
- Addenda to Final Bail Reports
- Draft Presentence Reports
- Final Presentence Reports
- Addenda to Final Presentence Reports
- Draft Supplemental Presentence Reports
- Final Supplemental Presentence Reports
- Addenda to Final Supplemental Presentence Reports
- Recommended Special Conditions

These documents are visible on the public docket sheet and *all* case participants in a multi-defendant criminal case receive a NEF email when they are filed. Access to these documents, however, is limited to attorneys for the defendant who is the subject of the document and attorneys in the United States Attorney's Office.

For information about accessing restricted documents through a NEF email, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual.

IMPORTANT: Documents relating to the sentencing process are confidential and should not be distributed beyond counsel and the defendant (through defense counsel), unless otherwise ordered by the court. Consistent with [D.S.D. Crim. LR 57.10\(C\)](#), defense counsel may review sealed and restricted court documents with their clients, but defense counsel is prohibited from providing copies of any sealed or restricted court documents to any criminal client.

Social Security Appeal Cases and Immigration Cases

Access to documents filed in Social Security appeal cases and certain immigration cases (based on the Nature of Suit code) is unique based on Judicial Conference policy. An *unsealed* opinion, order, judgment, or other disposition of the court filed after December 1, 2007, in these cases is not restricted. These documents are accessible by all public users through PACER and at the public access terminals located in the Clerk's Office. However, any of these documents filed before December 1, 2007, are not available through PACER and are only available at the public access terminals located in the Clerk's Office in Sioux Falls, Rapid City, and Pierre.

Other *unsealed* documents filed in Social Security appeal cases and certain immigration cases (based on the Nature of Suit code) are restricted. The docket entries for these restricted documents are visible on the public docket sheet. These documents are only accessible through PACER by case participants. Otherwise, these restricted documents are accessible by all public users at the public access terminals located in the Clerk's Office in Sioux Falls, Rapid City, and Pierre.

Sealed documents are never accessible by case participants or other public users.

For information about accessing restricted documents through a NEF email, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual.

ACCESSING RESTRICTED DOCUMENTS

When the following types of documents are filed in CM/ECF, access to them is automatically restricted:

- Presentence Reports
- Bail Reports
- Recommended Special Conditions
- Social Security Appeal and Immigration Case Documents
- Restricted Transcripts
- Restricted Trial/Hearing Exhibits

Access to other documents may be restricted by the court. Only authorized case participants can look at these documents.

An authorized case participant can access a restricted document from a Notice of Electronic Filing (NEF) email by doing the following:

1. PRIOR to clicking on the active document number hyperlink contained in the NEF email, the email recipient must be logged into CM/ECF using the username and password for the authorized case participant's PACER Service Center (PACER) user account. Otherwise, the person trying to access the restricted document will receive a message saying, "You do not have permission to view this document."
2. Only the first person (either the primary email address recipient or a secondary email address recipient) who accesses a *restricted* document on behalf of a particular authorized case participant will be able to access the document for free. Anyone else who subsequently tries to access the document on behalf of the same authorized case participant will be routed to the PACER website where they must log in using the username and password for the authorized case participant's PACER account to access the document. PACER access fees will apply.

In multi-defendant criminal cases, attorneys are not authorized to look at restricted documents filed on behalf of co-defendants — even though they receive NEF emails when such documents are filed in CM/ECF.

Only local counsel can access restricted documents entered in CM/ECF. Attorneys admitted pro hac vice **cannot** access restricted documents entered in CM/ECF and must obtain copies of restricted documents from local counsel.

For more information about restricted documents, see both the [RESTRICTED DOCUMENTS](#) and [RESTRICTED DOCKET ENTRIES](#) sections of the CM/ECF User Manual.

TRANSCRIPTS

Pursuant to the [Judicial Conference Policy with Regard to the Availability of Transcripts of Court Proceedings](#), transcripts of most court proceedings filed in CM/ECF are accessible by public users at the public access terminals located in the Clerk's Office — for inspection only — for a period of 90 days after they are filed. During this 90-day restriction period, public users may obtain a copy of a transcript and/or obtain PACER access to a transcript electronically filed in CM/ECF from the court reporter or transcriber who prepared the transcript at the rate established by the Judicial Conference. After the expiration of the 90-day restriction period, most transcripts are available for copying by public users at the public access terminals located in the Clerk's Office and through PACER. Sealed transcripts, including transcripts of voir dire proceedings, are never available at the public access terminals or through PACER. For more information about PACER, see the [PACER](#) section of this user manual.

D.S.D. Crim. LR 57.10(B)(3) requires that every transcript of a criminal change of plea and/or sentencing hearing contain a confidential section (or reference thereto) so the defendant's cooperation with the government, or the lack thereof, may be discussed. If a transcript of a change of plea and/or sentencing hearing is prepared, the court reporter or transcriptionist is required to prepare two versions, including a restricted transcript and a public transcript. The restricted transcript will include the confidential section. The public transcript will not include the confidential section, but instead will include the following reference, "Pursuant to D.S.D. Crim. LR 57.10, portions of all change of plea and sentencing transcripts are restricted." After the normal 90-day restriction period has expired, public transcripts are accessible by government counsel, counsel for the defendant who either pled or was sentenced, and other public users. Restricted transcripts are never accessible by public users at the public access terminals located in the Clerk's Office.

Whenever a transcript of a court proceeding is scheduled to become accessible by public users, it is the sole responsibility of counsel and the parties to arrange for redaction of any personal data identifiers contained in the transcript. Since restricted transcripts are only accessible by certain case participants through PACER and are never accessible by other public users, only the public transcript must be redacted when both a restricted transcript and a public transcript are prepared. This also pertains to ex parte transcripts, whose accessibility is also restricted to certain case participants.

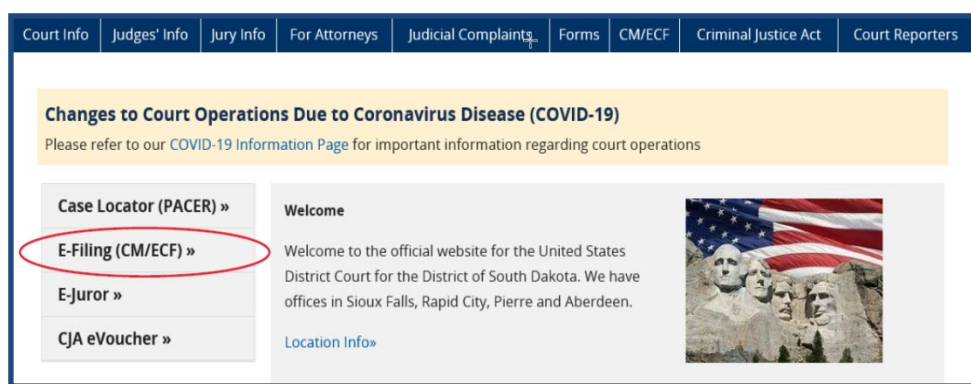
Whenever redaction is required, counsel must electronically file a transcript redaction request within 21 days of when the transcript was originally filed, indicating where the personal data identifiers appear in the transcript by page and by line and how they are to be redacted. For more information about redacting personal data identifiers from court documents, see the [REDACTING](#)

[DOCUMENTS](#) section of this user manual. For additional information related to transcripts, go to the [Court Reporters](#) tab on the blue menu bar on the district court's website located at www.sdd.uscourts.gov.

2. ELECTRONIC FILING IN CM/ECF

ACCESSING CM/ECF

The filer or an authorized agent of the filer can access the CM/ECF system via the internet by going to the district court's website located at www.sdd.uscourts.gov and clicking on the **E-Filing (CM/ECF)** hyperlink in the gray box on the left-hand side of the home page. Microsoft Edge and Chrome are the recommended browsers for accessing CM/ECF.



Click on the [District of South Dakota - Document Filing System](#) hyperlink in the center of the following **Welcome** screen. You will be routed to a **PACER Login** screen.



This is the **PACER Login** screen for accessing CM/ECF.

- Enter the username and password for the filer’s PACER account in the appropriate boxes. The **Client Code** box can be utilized to track PACER access fees incurred by you on behalf of a specific client. However, since you are never charged for electronically filing documents in CM/ECF it is not necessary to enter anything in the **Client Code** box when you e-file documents in CM/ECF.
- Click the **Login** button.
- Read the “**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY**” advisory and check the box for the affirmation statement which says, “I understand that, if I file, I must comply with the redaction rules. I have read this notice.”

Redaction Agreement

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. App. P. 25\(a\)\(5\)](#), [Fed. R. Civ. P. 5.2](#), [Fed. R. Crim. P. 49.1](#), or [Fed. R. Bankr. P. 9037](#). 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.

- Click the **Continue** button to transmit the information to the CM/ECF system.
- The following CM/ECF screen is displayed after the entry of a valid PACER username and password combination — *if* the PACER account holder has permission to e-file documents in this district court:



[Civil](#)
[Criminal](#)
[Query](#)
[Reports](#)
[Utilities](#)
[Search](#)
[Help](#)
[Log Out](#)



**U.S. District Court
District of South Dakota
Official Court Electronic Document Filing System**

This is a restricted government website for official court business only. All activities of CM/ECF subscribers or users of this system for any purpose, and all access attempts, may be recorded and monitored by persons authorized by the federal judiciary for improper use, protection of system security, performance of maintenance and for appropriate management by the judiciary of its systems. By subscribing to CM/ECF, users expressly consent to system monitoring and to official access to data reviewed and created by them on the system. If evidence of unlawful activity is discovered, including unauthorized access attempts, it may be reported to law enforcement officials.

This facility is for Official Court Business only. Activity to and from this site is logged. Document filings on this system are subject to Federal Rule of Civil Procedure 11. Evidence of unauthorized or criminal activity will be forwarded to the appropriate law enforcement officials.

Welcome to the U.S. District Court for the District of South Dakota Electronic Document Filing System. This page is for use by attorneys and firms participating in the electronic filing system. The most recent version of the Adobe PDF reader can be obtained by selecting the [PDF Settings](#) option listed below.

[PDF Settings](#)

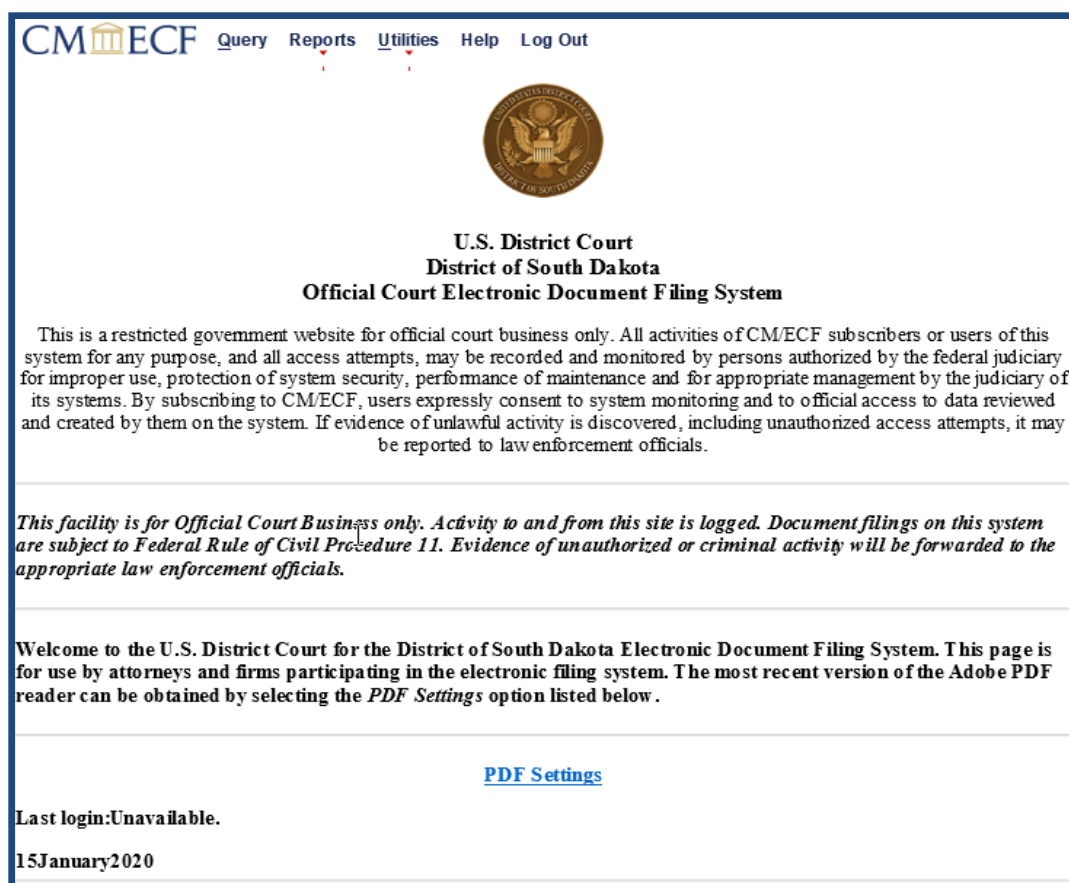
Last login: 05-18-2021 13:03

15January2020

Notice the **Civil** and **Criminal** options on the CM/ECF menu bar at the top of *this* screen.

The **Civil** option allows a PACER account holder with electronic filing privileges in this district court to e-file documents in a *civil* or *miscellaneous* case — two of the case types in CM/ECF. Similarly, the **Criminal** option allows a PACER account holder with electronic filing privileges in this district court to e-file documents in a *criminal*, *magistrate*, or *petty offense* case — the other case types in CM/ECF.

The following CM/ECF screen is displayed after the entry of a valid PACER username and password combination — *if* the PACER account holder does *not* have permission to e-file documents in this district court:



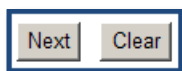
Notice the **Civil** and **Criminal** options are missing from the CM/ECF menu bar at the top of *this* screen. You will not be able to electronically file documents in this district court until after you are granted e-filing privileges. If you need e-filing privileges, see the [REGISTRATION AND TRAINING](#) section of this user manual.

When you are logged into CM/ECF, the last date when you were logged into the system appears in the bottom left-hand corner of the CM/ECF screen. You should review this information when you log into CM/ECF for security reasons. If you suspect someone is

using your PACER account without your permission, immediately contact the PACER Service Center at 800-676-6856 to report your suspicions.

PREPARING TO E-FILE IN CM/ECF

- Much like the Microsoft Windows Start menu, hovering your mouse over an item on the CM/ECF menu bar gives you access to a cascading menu of items. The static menu functionality is preserved and can still be accessed anytime by clicking on an item on the CM/ECF menu bar.
- At any time during the electronic filing process, you can click on **Help** on the CM/ECF menu bar to access online assistance related to the screen you are currently viewing in CM/ECF.
- During the electronic filing process, you will notice each screen contains the following two buttons:



- Clicking on the **Next** button accepts your entries on that screen and moves you to the next screen in the filing process.
 - Clicking on the **Clear** button clears all your entries on that screen.
- There are six basic steps involved in e-filing a document in CM/ECF, including the following:
 - Selecting the correct event.
 - Entering the case number for the case in which the document is to be filed.
 - Designating the party or parties filing the document.
 - Attaching the PDF document(s) to be filed.
 - Submitting the document to CM/ECF.
 - Confirming submission of the document to CM/ECF.

Contained in this user manual are three step-by-step guides which will walk you through the entire process of e-filing three separate documents in CM/ECF. First, is a guide for e-filing a civil complaint in a divisional *shell* case. Click [here](#) for this guide. Second, is a guide for e-filing a motion in a *civil* case. Click [here](#) for this guide. Third, is a guide for e-filing a motion in a *criminal* case. Click [here](#) for this guide. Electronically filing other types of documents in CM/ECF is substantially like e-filing these types of documents. For information about e-filing other types of documents in CM/ECF, see the [E-FILING OTHER DOCUMENTS](#) section of this user manual.

STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE

Before electronically filing a civil complaint and civil cover sheet in a shell case, please review the [E-FILING CIVIL CASE INITIATING DOCUMENTS](#) section of this user manual. NOTE: If you plan to file a motion to proceed in forma pauperis (ifp), it should be e-filed using the **Motion to Proceed in Forma Pauperis (SHELL CASE)** event *before* you e-file a complaint and civil cover sheet in a shell case.

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

CM/ECF **Civil** Criminal Query Reports Utilities Search Help Log Out

Civil Events

Initial Pleadings and Service

[Case Initiating Documents - SHELL CASE](#)

[Complaints and Other Initiating Documents](#)

[Service of Process](#)

[Answers to Complaints](#)

[Other Answers](#)

Other Filings

[Discovery Documents](#)

[Notices](#)

[Trial Documents](#)

[Appeal Documents](#)

[Other Documents](#)

Motions and Related Filings

[Motions](#)

[Related Filings](#)

1. Click on the **Case Initiating Documents – SHELL CASE** menu under **Initial Pleadings and Service** to bring up the following list of events:

Case Initiating Documents - Shell Case

Start typing to find an event.

Available Events (click to select an event)

- Complaint & Civil Cover Sheet (SHELL CASE)
- Complaint - Prisoner Civil Rights (42:1983) (SHELL CASE)
- Complaint - Social Security Appeal & Civil Cover Sheet (SHELL CASE)
- Motion to Proceed in Forma Pauperis (SHELL CASE)
- Motion to Reduce Sentence - Davis Claim (SHELL CASE)
- Motion to Reduce Sentence - Johnson Claim (SHELL CASE)
- Motion to Vacate/Set Aside/Correct Sentence (28:2255) (SHELL CASE)
- Notice of Removal & Civil Cover Sheet (SHELL CASE)
- Petition for Writ of Error Coram Nobis (SHELL CASE)
- Petition for Writ of Habeas Corpus (28:2241) (SHELL CASE)
- Petition for Writ of Habeas Corpus (28:2254) & Civil Cover Sheet (SHELL CASE)
- Petition for Writ of Mandamus (SHELL CASE)
- Petition to Enforce IRS Summons (SHELL CASE)
- Request for Issuance of Summons(es) (SHELL CASE)

Selected Event

You must choose an event whenever you e-file a document in CM/ECF. Look through the list of **Available Events** on the left side of this screen and select the **Complaint & Civil Cover Sheet (SHELL CASE)** event by clicking on it. This will cause the 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.

Case Initiating Documents - Shell Case

Available Events (click to select an event)

- Complaint & Civil Cover Sheet (SHELL CASE)
- Complaint - Prisoner Civil Rights (42:1983) (SHELL CASE)
- Complaint - Social Security Appeal & Civil Cover Sheet (SHELL CASE)
- Motion to Proceed in Forma Pauperis (SHELL CASE)
- Motion to Reduce Sentence - Davis Claim (SHELL CASE)
- Motion to Reduce Sentence - Johnson Claim (SHELL CASE)
- Motion to Vacate/Set Aside/Correct Sentence (28:2255) (SHELL CASE)
- Notice of Removal & Civil Cover Sheet (SHELL CASE)
- Petition for Writ of Error Coram Nobis (SHELL CASE)
- Petition for Writ of Habeas Corpus (28:2241) (SHELL CASE)
- Petition for Writ of Habeas Corpus (28:2254) & Civil Cover Sheet (SHELL CASE)
- Petition for Writ of Mandamus (SHELL CASE)
- Petition to Enforce IRS Summons (SHELL CASE)
- Request for Issuance of Summons(es) (SHELL CASE)

Selected Event

Complaint & Civil Cover Sheet (SHELL CASE)

Next Clear

Click on **Next** to continue.

IMPORTANT: Selecting an event not designated as a “(SHELL CASE)” event may result in an unsealed document being filing in a shell case.

- There are four divisional shell cases. After identifying the appropriate divisional shell case in which to file your complaint and civil cover sheet click on **Next**.
- This is the **Case Number** screen.

Motions

Civil Case Number

99-12345, 1:99-cv-12345, 1-99-cv-12345, 99cv12345, or 1:99cv12345

Next Clear

The system will automatically insert the case number of the last case you accessed during your current CM/ECF session in the **Civil Case Number** box located on this screen. If you haven't previously accessed a case during your current CM/ECF session or want to e-file in a different case, enter the number for the appropriate divisional shell case in the **Civil Case Number** box on this screen.

Case Initiating Documents - Shell Case

Civil Case Number

21-4000 Find This Case

Next Clear

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

- The following **Case Number Verification** screen contains an active hyperlink for the case number you entered on the previous screen. Do *not* click on this hyperlink. Use it to verify you are filing in the correct case.

Case Initiating Documents - Shell Case

[4:21-cv-04000 Southern Division Shell Case](#)

Next Clear

Click on **Next** to continue.

- The following screen is the **Filer Designation** screen.

Case Initiating Documents - Shell Case

Select Plaintiff(s) on the RIGHT side of this screen (even if you are filing a Notice of Removal).

Pick Filer

[Collapse All](#) [Expand All](#)

Defendant(s) dft

Plaintiff(s) pla

Select the filer.

Select the Party:

Defendant(s) [dft]

Plaintiff(s) [pla]

Next Clear New Filer

This screen is divided into two panes. As directed, select Plaintiff(s) on the right side of this screen and click on **Next**.

6. The next screen is the **Attorney/Party Association** screen.

Case Initiating Documents - Shell Case

Attorney/party associations should NOT be created in a Shell Case!

UNCHECK the association box on the LEFT side of THIS screen.

Select Defendant(s) on the RIGHT side of the NEXT screen (even if you are filing a Notice of Removal).

The following attorney/party associations do not exist.

Leave the check in the box on the left of the screen for associations which should be created.

If the association should *not* be created, be sure the box is *unchecked*.

☒ Plaintiff(s) (pty:pla) represented by Michelle Tapken (aty) ☒ Lead ☒ Notice

Next Clear

Read and follow *all the instructions* in **red** on this screen. The first time you e-file a document in a case, you normally want to ensure an association between yourself and the party you represent has been created. However, when filing in a shell case, you do *not* want to create an attorney/party association. ***Uncheck the association box in the lower left-hand portion of this screen so you do not create an attorney/party association in the shell case.***

Click on **Next** to continue.

7. As directed on the previous screen, select Defendant(s) on the right side of this screen and click on **Next**.

8. You will be reminded on the next screen to scan and save your complaint and civil cover sheet as one PDF document. The civil cover sheet should be the last page of your initial pleading. Scan and attach your exhibits as separate PDF documents.

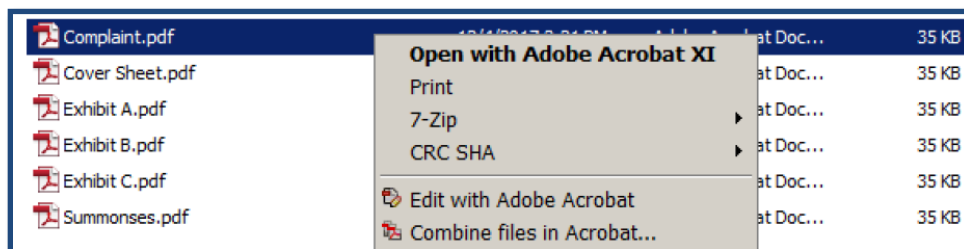
Click on **Next** to continue.

9. Following is the **Attachment** screen. (This screen may vary slightly depending on which browser you use.)

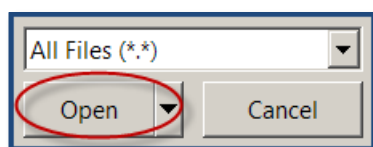
This screen allows you to upload your complaint and civil cover sheet (the main document) and any attachments (exhibits) you may have to your complaint. Do not attach anything to your complaint and civil cover sheet other than exhibits. Remember, each PDF document cannot be larger than 40MB and the merged document (the main document and all the exhibits) cannot be larger than 82MB. For more information about CM/ECF size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

Click the **Browse** button next to the **Main Document** box and locate the complaint and civil cover sheet document where it is saved.

IMPORTANT: If local counsel e-files a document and pro hac vice counsel insist on also signing the document, local counsel may sign the document with a “/s/” and their typed name; however, pro hac vice counsel must provide an ink signature.



After you have confirmed the document is the correct PDF document and it is properly signed, close the document, and click on the **Open** button located in the lower right-hand portion 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 selected PDF document file.

Case Initiating Documents - Shell Case

Date document filed (mandatory)
12/4/2017

A description is required for each attachment. You may also select a category, but it is not required. "Exhibit A" is an insufficient description. "Exhibit A - Receipt" is a sufficient description. Select the pdf document and any attachments.

Main Document
P:\PDF Documents\Complaint.pdf

| Attachments | Category | Description |
|--|---|-------------------------------|
| 1. <input type="text" value=""/> <input style="margin-left: 10px;" type="button" value="Browse..."/> | <input type="text" value=""/> <input style="margin-left: 10px;" type="button" value="v"/> | <input type="text" value=""/> |

If you have exhibits to your complaint and civil cover sheet, they must each be scanned as a separate PDF and attached separately. Do *not* attach motions or summons(es) to your complaint and civil cover sheet. These types of documents should be filed separately using the appropriate events listed under the **Case Initiating Documents – SHELL CASE** events menu.

To add an exhibit to your complaint and civil cover sheet, click on the **Browse** button next to the first **Attachments** box and locate the exhibit document where it is saved.

After you have confirmed the document is the correct document, close the document and click on the **Open** button located in the lower right-hand portion of your screen.

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

| Main Document | | |
|--|-------------------------------|--|
| P:\PDF Documents\Complaint.pdf <input data-bbox="657 569 740 590" type="button" value="Browse..."/> | | |
| Attachments | Category | Description |
| 1. P:\PDF Documents\Exhibit A.pdf <input data-bbox="678 667 761 688" type="button" value="Browse..."/> | Exhibit | A - Contract <input data-bbox="1219 667 1286 688" type="button" value="Remove"/> |
| 2. <input type="text" value=""/> <input data-bbox="678 722 761 743" type="button" value="Browse..."/> | <input type="text" value=""/> | <input type="text" value=""/> |
| <input data-bbox="354 772 396 793" type="button" value="Next"/> <input data-bbox="418 772 461 793" type="button" value="Clear"/> | | |

All attachments must be properly described. For an exhibit, click on the drop-down arrow for the **Category** box and select **Exhibit** from the drop-down list and type a description of the exhibit in the **Description** box. A combination of whatever is selected or entered in the **Category** and **Description** boxes will appear in the docket text.

After you have finished uploading and describing the *first* exhibit, you can continue attaching as many additional exhibits as you want — up to the 82MB limit for merged documents. For more information about CM/ECF size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

When you are finished uploading your complaint and civil cover sheet (the main document) and any attached exhibits click on **Next**.

10. Answer the question on the following screen by clicking on the radio button of the division you are filing in and click on **Next**.
11. Enter the last name of the *first plaintiff* and the last name of the *first defendant* on the following screen and click on **Next**.

| | |
|--|----------------------|
| Enter the last name of the <u>first</u> Plaintiff: | <input type="text"/> |
| Enter the last name of the <u>first</u> Defendant: | <input type="text"/> |
| <input data-bbox="354 1801 396 1822" type="button" value="Next"/> <input data-bbox="418 1801 461 1822" type="button" value="Clear"/> | |

12. Answer the question on the following screen indicating if your complaint includes a jury demand and click on **Next**.
13. Answer the question on the following screen indicating if you are requesting a waiver of the filing fee and click on **Next**.

If you answer “Yes” to this question and click on **Next**, you will be reminded you should have e-filed a motion to proceed in forma pauperis (ifp) *before* you filed your complaint and civil cover sheet. Skip to **Step 17** of these instructions to continue.

If you answer “No” to the question proceed to **Step 14** of these instructions to continue.

14. You must answer the next question indicating if you have already paid the filing fee

If you answer “No” to this question and click on **Next**, you will be routed to the **Manage My Account** screen in PACER where you must re-enter the password for your PACER account and click on **Login**.

Next, you will be routed to **Pay.gov** and presented with the following security protected **Credit Card Payment Information** screen, *unless* you are a government attorney.

(Government attorneys should skip to **Step 16** of these instructions to continue.)

Information from your PACER account may be used to pre-populate some of the fields on this screen. For more information about Pay.gov, see the [PAY.GOV](#) section of this user manual, the [Pay.gov Credit Card Payment Guide](#) posted on the district court’s website, or go to the Pay.gov website located at www.pay.gov.

IMPORTANT: Do NOT click the back button during the payment process.

If you answer “Yes” to this question, skip to **Step 15** of these instructions.


Pay Filing Fee for South Dakota District Court

*** Required Information**


Payment Amount

Amount Due * **\$402.00**



Enter Payment Method



Account Holder Name *

Card Type * Select Card Type 


Account Number *

Card Expiration Date * 01  / 2021 


☐ Use billing address

Address *

City *

State * Select State 

Zip/Postal Code *

Country * United States of America 


Note: We protect the security of your information during transmission using Secure Sockets Layer (SSL) software, which encrypts information you submit.

Next Cancel

Enter the required credit card payment information on the **Credit Card Payment Information** screen. Fields identified with a red **asterisk*** on this screen must be completed.

Click on the **Next** button at the bottom of this screen to continue.

The following **Payment Summary and Authorization** screen will display.

| Pay Filing Fee for South Dakota District Court | |
|---|--|
| Payment Summary | |
| Payment Method | Payment Details |
|  XXXXXXXXXXXX4486 10/2024 Archibald Duncan 123 Main Street Rapid City, SD 57701 USA | Payment Amount \$1.00 Fee Type Filing Fee |
| Email Receipt | |
| Email | <input type="text" value="ArchieDuncan@gmail.com"/> |
| Confirm Email | <input type="text" value="ArchieDuncan@gmail.com"/> |
| Additional Email Addresses | <input type="text"/> |
| Authorization | |
| <input checked="" type="checkbox"/> I authorize a charge to my credit card for the amount above in accordance with my card issuer agreement. * | |
| Note: We protect the security of your information during transmission using Secure Sockets Layer (SSL) software, which encrypts information you submit. | |
| <input type="button" value="Submit"/> <input type="button" value="Back"/> <input type="button" value="Cancel"/> | |

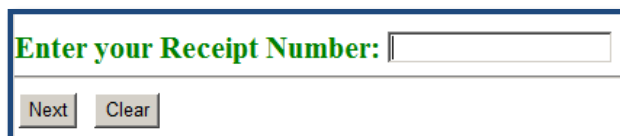
If you want an email receipt enter and confirm your email address on this screen.

Before your credit card payment will be accepted, you must check the “I authorize a charge to my credit card for the amount above in accordance with my card issuer agreement” box on this screen.

Click on the **Submit** button at the bottom of this screen to continue. If you make a mistake, it is best to start over at Step 1 of these instructions instead of clicking on the **Back** button.

If the credit card transaction is approved, you will be returned to CM/ECF to finish filing your complaint and civil cover sheet. Skip to **Step 17** of these instructions to continue.

15. If you prepaid the filing fee and answered “Yes” to the question in **Step 14** of these instructions, you will be asked to enter your receipt number on the following screen.



Enter your Receipt Number:

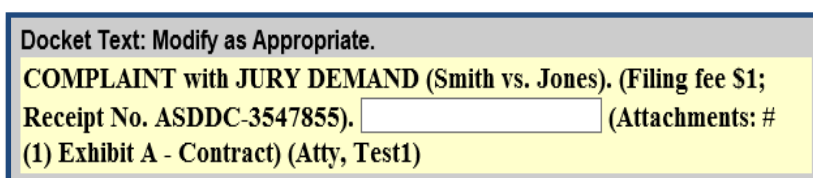
After entering your receipt number, click on **Next**.

16. You will be reminded you can request issuance of summons(es). Click on **Next** to continue.

17. You will be encouraged to print a copy of the NEF receipt when you are finished filing your complaint.

Click on **Next** to continue.

18. Following is the **Docket Text Modification** screen. If everything looks correct, click on **Next**. Otherwise, use the back arrow on your browser tool bar to go back and make corrections, keeping in mind you may have already paid a filing fee utilizing Pay.gov and you may have to re-attach your document(s).



Docket Text: Modify as Appropriate.

COMPLAINT with JURY DEMAND (Smith vs. Jones). (Filing fee \$1;
Receipt No. ASDDC-3547855). (Attachments: #
(1) Exhibit A - Contract) (Atty, Test1)

19. Following is the **Final Docket Text** screen.

Case Initiating Documents - Shell Case

Docket Text: Final Text

COMPLAINT with JURY DEMAND (Smith vs. Jones). (Filing fee \$1; Receipt No. ASDDC-3547855). (Attachments: # (1) Exhibit A - Contract)(Atty, Test1)

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

Have you redacted?

Source Document Path (for confirmation only):
\\sd.circ8.dcn\FolderRedirection\$\SandieThielen\Documents\A Sample Document1.pdf pages: 1
\\sd.circ8.dcn\FolderRedirection\$\SandieThielen\Documents\A Sample Document2.pdf pages: 1

If you see an error on this screen, click on your web browser's back arrow (you may have to click twice) to go back and correct the error. Keep in mind you may have already paid a filing fee utilizing Pay.gov and you may have to re-attach your documents. Otherwise, you can go back and start the entire e-filing process over from Step 1 of these instructions by clicking on **Civil** on the CM/ECF menu bar.

Clicking on the **Next** button commits your transaction. You will **not** have another opportunity to modify this transaction if you continue. When you are sure everything is correct, click on **Next**.

Congratulations! Your complaint and civil cover sheet are now filed in the divisional shell case. The main document (and any attached exhibits) has been transmitted to the CM/ECF system.

The CM/ECF system will immediately send a NEF receipt back to your computer screen confirming the complaint and civil cover sheet were received. You are *strongly* encouraged to print or save a copy of the NEF receipt because you will *not* receive a NEF email when the complaint and civil cover sheet are e-filed in the divisional shell case. You will, however, receive a NEF email when a new civil case is opened, and your complaint and civil cover sheet are filed in the new civil case.

Case Initiating Documents - Shell Case

U.S. District Court

District of South Dakota

Notice of Electronic Filing

The following transaction was entered by Atty, Test1 on 5/18/2021 at 10:35 PM CST and filed on 5/18/2021

Case Name: Southern Division Shell Case

Case Number: [4:21-cv-04000](#)

Filer: Plaintiff(s)

Document Number: [67](#)

Docket Text:

COMPLAINT with JURY DEMAND (Smith vs. Jones). (Filing fee \$1; Receipt No. ASDDC-3547855). (Attachments: # (1) Exhibit A - Contract)(Atty, Test1)

4:21-cv-04000 No electronic public notice will be sent because the case/entry is sealed.

For more information about NEF receipts, see the [NEF RECEIPT](#) section of this user manual. For more information about NEF emails, see the [NOTICE OF ELECTRONIC FILING \(NEF\) EMAIL](#) section of this user manual.

Next, you can e-file a request for issuance of summons(es) using the **Request for Issuance of Summons(es) (SHELL CASE)** event in a divisional shell case. Otherwise, wait to e-file corporate disclosure statements, motions (except motions to proceed ifp which should have already been filed), and all other case documents until after a new civil case has been opened in CM/ECF.

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

After logging into CM/ECF through PACER, click on **Civil** on the menu bar to bring up the following **Civil Events** menu.

CM/ECF **Civil** Criminal Query Reports Utilities Search Help Log Out

Civil Events

Initial Pleadings and Service

- [Case Initiating Documents - SHELL CASE](#)
- [Complaints and Other Initiating Documents](#)
- [Service of Process](#)
- [Answers to Complaints](#)
- [Other Answers](#)

Other Filings

- [Discovery Documents](#)
- [Notices](#)
- [Trial Documents](#)
- [Appeal Documents](#)
- [Other Documents](#)

Motions and Related Filings

- [Motions](#)
- [Related Filings](#)

1. Click on **Motions** under **Motions and Related Filings** to bring up the following menu of events:

Motions

Start typing to find an event.

Available Events (click to select events)

- Admission Pro Hac Vice
- Alter Judgment
- Amend/Correct
- Appoint Counsel
- Appoint Guardian/Attorney ad Litem
- Attorney Fees
- Bifurcate
- Bond
- Certificate of Appealability
- Change Venue
- Compel
- Consolidate Cases
- Continue
- Costs
- Default Judgment

Selected Events (click to remove events)

Next Clear

You must choose an event whenever you electronically file a document in CM/ECF. Use the scroll bar to scroll through the list of **Available Events** on the left side of this screen to find the desired motion event. Select a motion event by clicking on it. This will cause the motion event to move from the **Available Events** box on the left side of this screen to the **Selected Events** box on the right side of this screen.

For a complete list of all the civil motion events, see the [Civil Case Events List](#) posted on the district court's website. For more information about events, see the [EVENTS](#) section of this user manual.

IMPORTANT: It is important to select the correct event. Selecting the wrong event can have negative and unintentional consequences. If you are unsure which event to use, contact the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual *before* e-filing a document in CM/ECF.

Motions

Start typing to find another event.

Available Events (click to select events)

- Leave to
- Miscellaneous Relief
- More Definite Statement
- New Trial
- Oral Motion (COURT USE ONLY)
- Partial Summary Judgment
- Permanent Injunction
- Preliminary Injunction
- Proceed In Forma Pauperis
- Produce
- Protective Order**
- Quash
- Reassign Case
- Reconsideration
- Recusal

Selected Events (click to remove events)

- Protective Order

Next Clear

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

Another option for locating an event is to click on **Search** on the CM/ECF menu bar. For more information about using the **Search** menu, see the [SEARCH MENU](#) section of this user manual.

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

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

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

- Following is the **Case Number** screen.

Motions

Civil Case Number

99-12345, 1:99-cv-12345, 1-99-cv-12345, 99cv12345, or 1:99cv12345

Next Clear

The system will automatically insert the case number of the last case you accessed during your current CM/ECF session in the **Civil Case Number** box located on this screen. Otherwise, if you haven't previously accessed a case during your pending CM/ECF session or want to e-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 accepted format.

Motions

Civil Case Number

13-4001 Find This Case

Next Clear

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

3. The **Case Number Verification** screen contains an active hyperlink for the case number you entered on the previous screen. Do *not* click on this hyperlink. Use it only to verify you are filing in the correct case.

Motions

[4:13-cv-04001-JLV Blackcloud v. Dooley et al](#) **CASE CLOSED on 11/17/2014**

CLOSED,PROSE

Next Clear

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 raised, you can still e-file documents in the case. For more information about case flags, click on the **Utilities** menu on the CM/ECF menu bar and click on the [Court Information](#) hyperlink.

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

- The following screen is the **Filer Designation** screen.

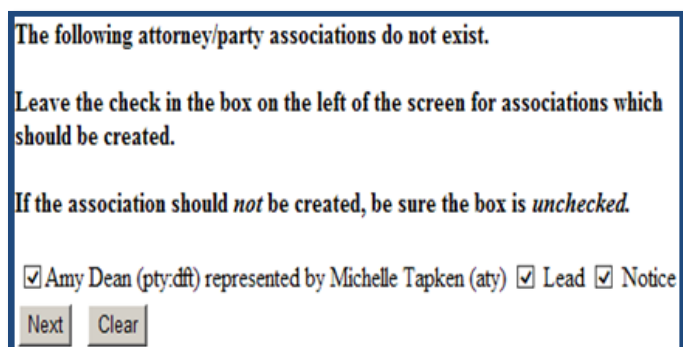
This screen is divided into two panes. The left pane is informational. It contains a party tree which can be expanded to include party and attorney information by clicking on the active **Expand All** hyperlink.

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 click on the additional party or parties so they are also highlighted.

If the party you are looking for does *not* appear in the list, click on the **New Filer** button to add the party, or 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 action to take.

When the correct party/parties have been selected, click on **Next**.

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



The following attorney/party associations do not exist.

Leave the check in the box on the left of the screen for associations which should be created.

If the association should *not* be created, be sure the box is *unchecked*.

☒ Amy Dean (pty:dft) represented by Michelle Tapken (aty) ☒ Lead ☒ Notice

Next Clear

If you do, it is because you are not associated with the party or parties selected on the previous screen or your selection on the previous screen was incorrect.

If you selected the wrong party on the previous screen, click on your web browser's back arrow (you may have to click on it twice) to go back to the previous screen and change 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 which should be established. When you create an attorney/party association your representation will be noted on the docket sheet for this case. There are also two checkboxes on the right side of this screen. If you are not lead counsel, you can uncheck the **Lead** checkbox. Do *not* uncheck the **Notice** box.

IMPORTANT: If you uncheck the **Notice** box, you will not receive electronic notice when something is filed in this case in the future.

Click on **Next** to continue.

6. Following is the **Attachment** screen. (This screen may vary slightly depending on which browser you use.)

Motions
4:13-cv-04001-JLV Blackcloud v.
Dooley et al CASE CLOSED on
11/17/2014
CLOSED, PROSE

A description is required for each attachment. You may also select a category, but it is not required. "Exhibit A" is an insufficient description. "Exhibit A - Receipt" is a sufficient description.
Select the pdf document and any attachments.

Main Document

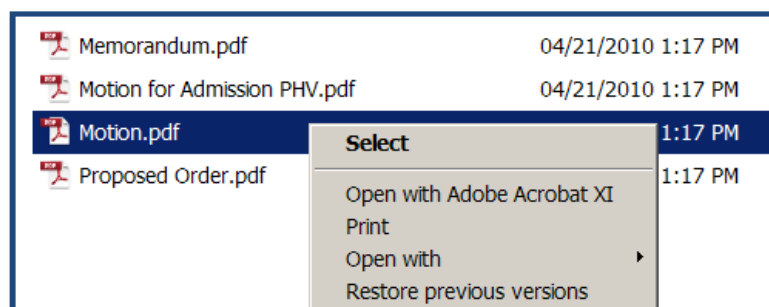
Browse...

| Attachments | Category | Description |
|--------------|----------|-------------|
| 1. Browse... | | |

Next Clear

This screen allows you to upload your motion (the main document) and any attachments (exhibits) you may have to your motion. Remember, each PDF document cannot be larger than 40MB and the merged document (the motion and all the attached exhibits) cannot be larger than 82MB. For more information about CM/ECF size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

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



After you have confirmed the document is the correct PDF document and it is properly signed, close the document, and click on the **Open** button located in the lower right-hand portion 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 selected PDF document file.

A description is required for each attachment. You may also select a category, but it is not required.
 "Exhibit A" is an insufficient description. "Exhibit A - Receipt" is a sufficient description.
 Select the pdf document and any attachments.

Main Document
 N:\Documents\Motion.pdf

| Attachments | Category | Description |
|-------------------------|--|----------------------|
| 1. <input type="text"/> | <input type="button" value="Browse..."/> | <input type="text"/> |

If you have attachments to your motion (e.g., a proposed order or exhibits), they must each be scanned as a separate PDF and attached separately.

To add an attachment to your motion, click on the **Browse** button next to the first **Attachments** box and locate the attachment where it is saved.

After you have confirmed it is the correct document, close the document and click on the **Open** button located in the lower right-hand portion of your screen.

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

Main Document
 P:\ECF Training\PDF Training Documents

| Attachments | Category | Description |
|--|----------------|--|
| 1. P:\ECF Training\PDF Training Documents <input type="button" value="Browse..."/> | Proposed Order | <input type="text"/> <input type="button" value="Remove"/> |
| 2. P:\ECF Training\PDF Training Documents <input type="button" value="Browse..."/> | | Exhibit 1 - Photo <input type="button" value="Remove"/> |
| 3. P:\ECF Training\PDF Training Documents <input type="button" value="Browse..."/> | | Exhibit 2 - Letter <input type="button" value="Remove"/> |
| 4. <input type="text"/> <input type="button" value="Browse..."/> | | <input type="text"/> |

All attachments must be properly described. Unless you are attaching a proposed order (as explained in the next paragraph), you can skip the **Category** box and type a brief description of the attachment in the **Description** box. A combination of whatever is selected or entered in the Category and Description boxes will appear in the docket text on the docket sheet. "Exhibit A – Photo," Exhibit A – Photo of House," "Exhibit 2 – Letter," and "Exhibit 2 – Letter signed by Shane Brown" are examples of properly described attachments. "Exhibit," "Exhibit A," and "Exhibit 2" are examples of insufficiently described exhibits.

If you are attaching a proposed order, click on the drop-down arrow for the **Category** box and select **Proposed Order** from the list. It is not necessary to include a description in the **Description** box for this type of attachment. “Proposed Order” will appear in the docket text on the docket sheet.

After you have finished attaching and describing the *first* attachment, you can continue attaching as many additional attachments as you want — up to the 82MB limit for merged documents.

When you are finished uploading your motion (the main document) and any attachments to your motion, click on **Next**.

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

Docket Text: Modify as Appropriate.

▼ MOTION for Protective Order ▼ by Amy Dean. (Attachments: # (1) Text of Proposed Order, # (2) Exhibit 1 - Photo, # (3) Exhibit 2 - Letter signed by Shane Brown) (Tapken, Michelle)

Depending on the motion event you initially selected, you will have a limited ability to modify the docket text which will appear on the docket sheet after your motion is filed.

If a drop-down arrow is available, you may select an appropriate modifier from the list of modifiers to describe your motion.

You can also type descriptive text in any available text box. Whatever you type in a text box will appear in *italics* in the final docket text on the docket sheet.

Docket Text: Modify as Appropriate.

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

Although a text box may not be located precisely where you would like it to be, feel free to utilize it wherever it is. If needed, Clerk’s Office personnel can manipulate the docket text after your document is filed.

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

8. Following is the **Final Docket Text** screen.

This screen shows you exactly how the docket entry for your motion will appear on the docket sheet. As much as possible, the title on your document should match the final docket text on this screen.

If you see an error on this screen, click on your web browser's back arrow (you may have to click twice) to go back and correct the error. Be advised, you may have to re-attach your documents. Otherwise, you can start the entire filing process over from Step 1 of these instructions by clicking on **Civil** on the CM/ECF menu bar.

Clicking on the **Next** button commits your transaction. You will **not** have another opportunity to modify this transaction if you continue. When you are sure everything is correct click on **Next**.

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

The CM/ECF system will immediately send a NEF receipt back to your computer screen confirming the document was received. For more information about NEF receipts, see the [NEF RECEIPT](#) section of this user manual.

In addition, the CM/ECF system will immediately send a NEF email to each of the appropriate case participants. For more information about NEF emails, see the [NOTICE OF ELECTRONIC FILING \(NEF\) EMAIL](#) section of this user manual.

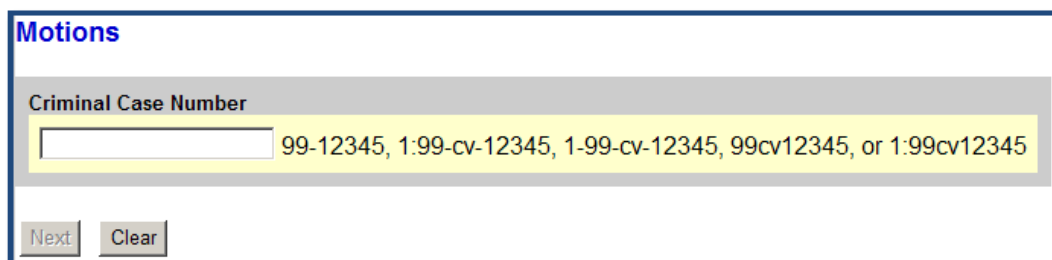
STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CRIMINAL CASE

After logging into CM/ECF through PACER, click on **Criminal** on the CM/ECF menu bar to bring up the following **Criminal Events** menu.



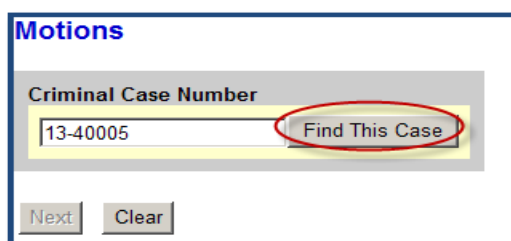
The screenshot shows the CM/ECF web interface. At the top, there is a navigation bar with links: Civil, Criminal, Query, Reports, Utilities, Search, Help, and Log Out. The 'Criminal' link is circled in red. Below the navigation bar, the 'Criminal Events' section is displayed. It contains three main categories: 'Charging Instruments and Pleas' with a link to 'Plea-Related Documents'; 'Motions and Related Filings' with links to 'Motions' (circled in red) and 'Related Filings'; and 'Other Filings' with links to 'Service of Process', 'Notices', 'Trial Documents', 'Appeal Documents', 'Other Documents', 'Sealed Plea & Sentencing Related Documents', and 'Writ Events'.

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



The screenshot shows the 'Motions' screen. At the top, the word 'Motions' is displayed in blue. Below it, there is a section titled 'Criminal Case Number'. Inside this section, there is a text input field followed by a yellow box containing the text: '99-12345, 1:99-cv-12345, 1-99-cv-12345, 99cv12345, or 1:99cv12345'. Below the input field, there are two buttons: 'Next' and 'Clear'.

The system will automatically insert the case number of the last case you accessed during your current CM/ECF session in the **Criminal Case Number** box located on this screen. Otherwise, if you haven't previously accessed a case during your pending CM/ECF session or want to e-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 an accepted format.



The screenshot shows the 'Motions' screen with the 'Criminal Case Number' section. The text input field now contains the number '13-40005'. To the right of the input field, there is a button labeled 'Find This Case', which is circled in red. Below the input field, there are two buttons: 'Next' and 'Clear'.

When the correct 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-defendant's subcases will be displayed on the following screen.

Motions

Criminal Case Number

13-40005

Select a case:

☒ 4:13-cr-40005-KES USA v. O'Connor et al (closed 04/14/2014)

☐ 4:13-cr-40005-KES-1 Forrest O'Connor (closed 04/14/2014)

☐ 4:13-cr-40005-KES-2 Angelias Zephier (closed 10/02/2013)

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

Government Counsel should *only* select the subcase of the defendant for whom the motion pertains. Otherwise, government counsel should select the main case if the motion pertains to **all the defendants** in a multi-defendant case.

Motions

Criminal Case Number

4:13-cr-40005-1

Select a case:

☐ 4:13-cr-40005-KES USA v. O'Connor et al (closed 04/14/2014)

☒ 4:13-cr-40005-KES-1 Forrest O'Connor (closed 04/14/2014)

☐ 4:13-cr-40005-KES-2 Angelias Zephier (closed 10/02/2013)

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

Click on **Next** to continue.

- The following **Case Number Verification** screen contains an active hyperlink for the case number you entered on the previous screen. Do *not* click on this hyperlink. Use it to verify you are filing in the correct case.

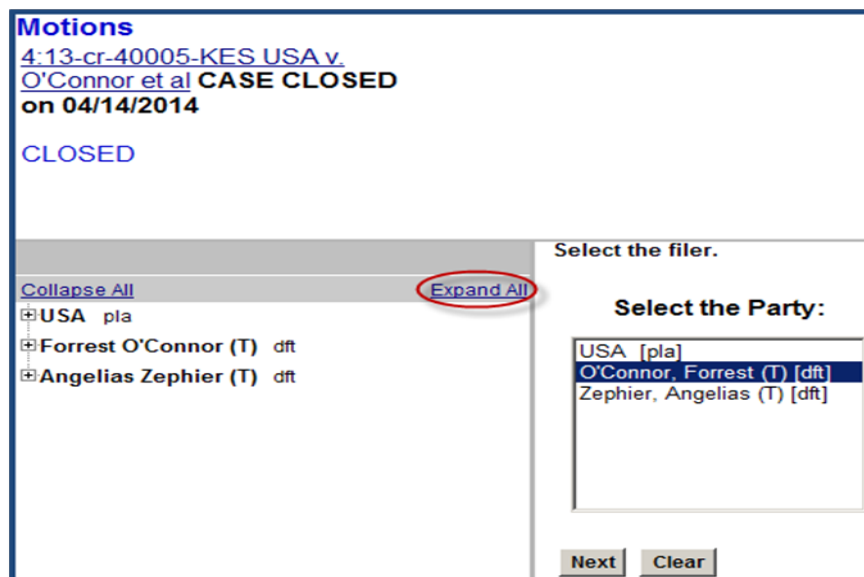


The screenshot shows a web form titled "Motions". Below the title, it displays the case number "4:13-cr-40005-KES USA v. O'Connor et al" followed by "CASE CLOSED on 04/14/2014" and the word "CLOSED" in blue. At the bottom, there are two buttons: "Next" and "Clear".

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 has been raised, you can still e-file documents in the case. For more information about case flags, click on **Utilities** on the CM/ECF menu bar and click on the [Court Information](#) hyperlink.

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

- The following screen is the **Filer** screen.



The screenshot shows a web form titled "Motions". Below the title, it displays the case number "4:13-cr-40005-KES USA v. O'Connor et al" followed by "CASE CLOSED on 04/14/2014" and the word "CLOSED" in blue. The form is divided into two panes. The left pane has a header "Collapse All" and "Expand All" (circled in red). Below this, there is a list of parties: "USA pla", "Forrest O'Connor (T) dft", and "Angelias Zephier (T) dft". The right pane has a header "Select the filer." and "Select the Party:". Below this, there is a list of parties: "USA [pla]", "O'Connor, Forrest (T) [dft]", and "Zephier, Angelias (T) [dft]". At the bottom, there are two buttons: "Next" and "Clear".

This screen 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 by clicking on the active **Expand All** hyperlink.

In the right pane, you are directed to select the party 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. When the party you are looking for appears in the list, click on it so it is highlighted.

When the correct party has been selected, click on **Next**.

5. Following is the **Motions Events** menu screen.

The screenshot shows the 'Motions' menu screen. At the top, it displays the case information: '4:13-cr-40005-KES USA v. O'Connor et al CASE CLOSED on 04/14/2014'. Below this, the word 'CLOSED' is shown in blue. There is a search bar with the placeholder text 'Start typing to find an event.' Below the search bar, there are two main sections: 'Available Events (click to select events)' and 'Selected Events (click to remove events)'. The 'Available Events' section contains a scrollable list of motion events, including '5K1.1 Motion (COURT USE ONLY)', 'Acquittal', 'Admission Pro Hac Vice', 'Amend/Correct', 'Amended Petition to Revoke (COURT USE ONLY)', 'Appeal In Forma Pauperis', 'Appoint Counsel', 'Appoint Expert', 'Bifurcate', 'Bill of Particulars', 'Brady Materials', 'Certificate of Appealability', 'Change Venue', 'Compel', and 'Competency Evaluation'. The 'Selected Events' section is currently empty. At the bottom of the screen, there are two buttons: 'Next' and 'Clear'.

You must choose an event whenever you electronically file a document in CM/ECF. Use the scroll bar to scroll through the list of **Available Events** on the left side of this screen to find the desired motion event. Select a motion event by clicking on it. This will cause the motion event to move from the **Available Events** box on the left side of this screen to the **Selected Events** box on the right side of this screen.

For a complete list of all the criminal motion events, see the [Criminal Case Events List](#) posted on the district court's website. For more information about events, see the [EVENTS](#) section of this user manual.

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

CLOSED

Start typing to find another event.

| Available Events (click to select events) | Selected Events (click to remove events) |
|--|--|
| 5K1.1 Motion (COURT USE ONLY) Acquittal Admission Pro Hac Vice Amend/Correct Amended Petition to Revoke (COURT USE ONLY) Appeal In Forma Pauperis Appoint Counsel Appoint Expert Bifurcate Bill of Particulars Brady Materials Certificate of Appealability Change Venue Compel Competency Evaluation | Compel |

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

Another option for locating an event is to click on **Search** on the CM/ECF menu bar. For more information about using the **Search** menu, see the [SEARCH MENU](#) section of this user manual.

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

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

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

- Following is the **Attachment** screen. (This screen may vary slightly depending on which browser you use.)

Motions
4:13-cv-04001-JLV Blackcloud v.
Dooley et al CASE CLOSED on
11/17/2014
CLOSED,PROSE

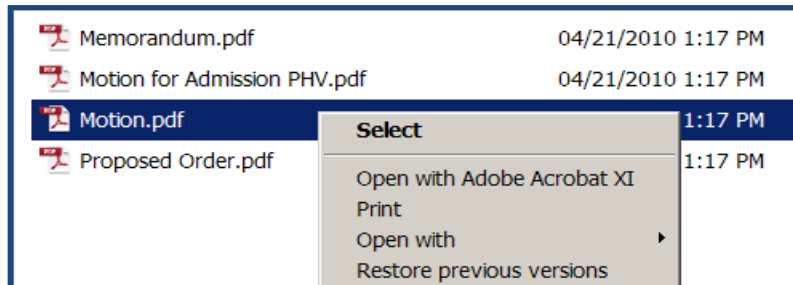
A description is required for each attachment. You may also select a category, but it is not required. "Exhibit A" is an insufficient description. "Exhibit A - Receipt" is a sufficient description.
Select the pdf document and any attachments.

Main Document

| Attachments | Category | Description |
|-------------------------|--|---|
| 1. <input type="text"/> | <input data-bbox="776 646 885 682" type="button" value="Browse..."/> | <input type="text"/> <input data-bbox="1096 646 1128 682" type="button" value="v"/> |

This screen allows you to upload your motion (the main document) and any attachments you may have to your motion.

Click on the **Browse** button next to the **Main Document** box and locate the motion where it is saved.



After you have confirmed the document is the correct PDF document and it is properly signed, close the document, and click on the **Open** button located in the lower right-hand portion 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 selected PDF document.

A description is required for each attachment. You may also select a category, but it is not required. "Exhibit A" is an insufficient description. "Exhibit A - Receipt" is a sufficient description. Select the pdf document and any attachments.

Main Document

| Attachments | Category | Description |
|-------------------------|--|---|
| 1. <input type="text"/> | <input type="button" value="Browse..."/> | <input type="text"/> <input type="button" value="v"/> |
| <input type="text"/> | | |

If you have attachments to your motion (e.g., a proposed order or exhibits), they must each be scanned as a separate PDF and attached separately.

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

After you have confirmed it is the correct document, close the document and click on the **Open** button located in the lower right-hand portion 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 selected PDF document.

Main Document

| Attachments | Category | Description |
|---|--|---|
| 1. <input type="text" value="P:\ECF Training\PDF Training Documents"/> <input type="button" value="Browse..."/> | <input type="text" value="Proposed Order"/> <input type="button" value="v"/> | <input type="text"/> <input type="button" value="Remove"/> |
| 2. <input type="text" value="P:\ECF Training\PDF Training Documents"/> <input type="button" value="Browse..."/> | <input type="text"/> <input type="button" value="v"/> | <input type="text" value="Exhibit 1 - Photo"/> <input type="button" value="Remove"/> |
| 3. <input type="text" value="P:\ECF Training\PDF Training Documents"/> <input type="button" value="Browse..."/> | <input type="text"/> <input type="button" value="v"/> | <input type="text" value="Exhibit 2 - Letter"/> <input type="button" value="Remove"/> |
| 4. <input type="text"/> <input type="button" value="Browse..."/> | <input type="text"/> <input type="button" value="v"/> | <input type="text"/> |

All attachments must be properly described. Unless you are attaching a proposed order (as explained in the next paragraph), you can skip the **Category** box and type a brief description of the attachment in the **Description** box. A combination of whatever is selected or entered in the Category and Description boxes will appear in the docket text on the docket sheet. "Exhibit A – Photo," Exhibit A – Photo of House," "Exhibit 2 – Letter," and "Exhibit 2 – Letter signed by Shane Brown" are examples of properly described

attachments. “Exhibit,” “Exhibit A,” and “Exhibit 2” are examples of insufficiently described exhibits.

If you are attaching a proposed order, click on the drop-down arrow for the **Category** box and select **Proposed Order** from the list. It is not necessary to include a description in the **Description** box for this type of attachment. “Proposed Order” will appear in the docket text on the docket sheet.

After you have finished attaching and describing the *first* attachment, you can continue attaching as many additional attachments as you want—up to the 82MB limit for merged documents.

When you are finished uploading your motion (the main document) and any attachments to your motion, click on **Next**.

- 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 which will appear on the docket sheet after your motion is filed.

If a drop-down arrow is available, you may select an appropriate modifier from the list of modifiers to describe your motion.

You can also type descriptive text in any available text box. Whatever you type in a text box will appear in *italics* in the final docket text on the docket sheet.

Although a text box may not be located precisely where you would like it to be, feel free to use it wherever it is. If needed, Clerk’s Office personnel can manipulate the docket text after your document is filed.

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

8. Following is the **Final Docket Text** screen.

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 - Letter signed by 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):

\\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Motion.pdf pages: 2

\\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Order.pdf pages: 1

\\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Exhibit 1.pdf pages: 1

\\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Exhibit 2.pdf pages: 16

Next Clear

This screen shows you exactly how the docket entry for your motion will appear on the docket sheet. As much as possible, the title of your document should match the final docket text on this screen.

If you see an error on this screen, click on your web browser's back arrow (you may have to click twice) and go back and correct the error. Be advised, you may have to re-attach your documents. Otherwise, you can start the entire filing process over from Step 1 of these instructions by clicking on **Criminal** on the CM/ECF menu bar.

Clicking on the **Next** button commits your transaction. You will **not** have another opportunity to modify this transaction if you continue. When you are sure everything is correct, click on **Next**.

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

The CM/ECF system will immediately send a NEF receipt back to your computer screen confirming the document was received. For more information about NEF receipts, see the [NEF RECEIPT](#) section of this user manual.

Unless you are e-filing a *sealed* motion for departure or a *sealed* motion for variance, the CM/ECF system will automatically send a NEF email to each of the appropriate case participants. If you are filing a sealed motion for departure or a sealed motion for variance, the CM/ECF system will *not* send a NEF email to you or any other case participants. You must print

a copy of the NEF receipt and include it when you manually serve copies of the motion for departure/variance on the appropriate case participants. For more information, see the [SERVICE OF DOCUMENTS](#), [SEALED DOCKET ENTRIES](#), and the [E-FILING OTHER DOCUMENTS](#) sections of this user manual. For more information about NEF emails, see the [NOTICE OF ELECTRONIC FILING \(NEF\) EMAIL](#) section of this user manual.

NEF RECEIPT

As soon as the CM/ECF system receives an electronic submission from a filer, the system immediately transmits a Notice of Electronic Filing (NEF) receipt back to the filer's computer confirming the submission was received. The NEF receipt contains all the same information as a NEF email, as discussed in the [NOTICE OF ELECTRONIC FILING \(NEF\) EMAIL](#) section of this user manual, except the NEF receipt does not contain an active document number hyperlink when a document is e-filed in CM/ECF.

Most NEF receipts include the following information when a document is e-filed in CM/ECF:

- Date and time (Central Time) of filing
- Case Name
- Case Number
- Filer
- Document Number
- Docket Text
- A list of case participants who received electronic notice (*i.e.*, NEF email)
- A list of case participants who must be manually served

As noted above, most NEF receipts include a list of case participants who received electronic notice in the form of a NEF email when a document is e-filed and a list of case participants who will *not* receive electronic notice when a document is e-filed. However, when a document is e-filed and results in a sealed docket entry or when a civil case initiating document is e-filed in a divisional shell case, a NEF email is *not* sent to *any* case participants and the NEF receipt does not list any case participants who will or will not receive electronic notice.

When a sealed document is e-filed in a civil or criminal case in CM/ECF or a document is e-filed and results in a sealed docket entry, the filer must print a copy of the NEF receipt (which includes the document's number, but not an active document number hyperlink) and include it with the document when it is manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court.

When civil case initiating documents are e-filed in a divisional shell case, the filer *should* print a copy of the NEF receipt as evidence of when the document was electronically delivered to the Clerk's Office. A civil case initiating document is deemed delivered to the Clerk's Office at the date and time stated on the NEF receipt.

For more information, see the [NOTICE OF ELECTRONIC FILING \(NEF\) EMAIL](#), [WHAT CONSTITUTES E-FILING/OFFICIAL RECORD](#), and [E-FILING CIVIL CASE INITIATING DOCUMENTS](#) sections of this user manual.

IMPORTANT: Print a copy of the NEF receipt whenever you e-file a sealed document, a document which results in a sealed docket entry, or a civil case initiating document in a divisional shell case.

E-FILING OTHER DOCUMENTS

Electronically filing most documents in CM/ECF is substantially like e-filing a civil complaint in a shell case and motions in CM/ECF. For instructions about e-filing these particular types of documents, see the [STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE](#), [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CIVIL CASE](#), and [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CRIMINAL CASE](#) sections of this user manual.

All documents with a case caption on them, such as memoranda and affidavits related to a motion, should be separately e-filed in CM/ECF so they create separate docket entries on the docket sheet. This means memoranda, affidavits, etc., should *not* be attached to a motion.

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

It is located under **Motions and Related Filings** on the **Criminal Events** menu.

The events on these **Related Filings** menus allow the filer to “link” the document they are filing to the motion to which it relates on a **Linkage** screen like the following:

Related Filings
[4:13-cv-04001-JLV Blackcloud v. Dooley et al](#) **CASE CLOSED on 11/17/2014**
 CLOSED,PROSE

Select the appropriate event(s) to which your event relates:

☐ 01/03/2013 [3](#) MOTION for Leave to Proceed in forma pauperis by Edward P. Blackcloud. (CMS) (Terminated)

☐ 01/03/2013 [7](#) MOTION to Appoint Counsel by Edward P. Blackcloud. (CMS) (Terminated)

☒ 12/06/2015 [12](#) Second MOTION to Compel *Discovery* by Amy Dean. (Attachments: # [1](#) Text of Proposed Order, # [2](#) Exhibit 1 - Photo, # [3](#) Exhibit 2 - Deposition of Shane Brown)(Tapken, Michelle)

When e-filing a document such as a memorandum or an affidavit which is related to a previously filed document in CM/ECF, it is important for the filer to create a link between the two documents. Prior to ruling on a motion, the court frequently runs a **Pending Motions Report** in CM/ECF. All the documents filed in CM/ECF which are linked to a pending motion are included on this report. Linking related documents to a pending motion ensures that the court considers them prior to ruling on the pending motion. This linking does *not* pertain to documents filed by different co-defendants in a multi-defendant criminal case. For example, a motion for joinder e-filed by one defendant in a criminal case should not be linked to a motion filed by another defendant in the same case.

Pursuant to D.S.D. Crim. LR 32.1(A), a motion for departure or variance may be joined with a party's sentencing memorandum. When a sentencing memorandum contains a motion for departure or a motion for variance it should *not* be e-filed using the **Sealed Sentencing Memorandum – SEALED DOCKET ENTRY** event. Instead, when a sentencing memorandum contains a motion for departure it should be e-filed using the **Sealed Motion for Departure – SEALED DOCKET ENTRY** event so it appears on the **Pending Motions Report** in CM/ECF. Similarly, when a sentencing memorandum contains a motion for variance it should be e-filed using the **Sealed Motion for Variance – SEALED DOCKET ENTRY** event so it also appears on the **Pending Motions Report** in CM/ECF. For more information about these specific events, see the [SEALED DOCKET ENTRIES](#) section of this user manual.

A motion and the memoranda related to the motion are normally filed in the following sequence:

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

When a filer who has e-filed a motion also files a reply to the motion, the reply should be linked to the original motion and *not* a response to the original motion. This is so the reply appears on the court's **Pending Motions Report** in CM/ECF and is considered by the court before the court rules on the motion.

Discovery materials, including depositions, interrogatories, requests for documents, requests for admissions, and the answers and responses thereto should *not* be e-filed in CM/ECF. Transcripts of deposition used to contradict or impeach the testimony of a deponent or witness also should *not* be filed in CM/ECF. Furthermore, [Fed. R. Civ. P. 26\(a\)\(1\) and \(2\)](#) materials should *not* be e-filed in CM/ECF unless they are ordered to be filed in CM/ECF by the court. If discovery materials are necessary for the disposition of a motion, only the relevant portions should be attached to a supporting memorandum or affidavit.

DOCUMENTS E-FILED IN ERROR

Documents can be electronically filed in error for any number of reasons. The most common reasons include selecting the wrong event, filing in the wrong case, or attaching the wrong PDF document. Filers are advised to take care when e-filing a document in CM/ECF since filers cannot make changes to a document after it is e-filed. In addition, the Clerk's Office cannot seal a document filed in error without an order from the court, unless the document contains personal data identifiers. When a filer either realizes or is told by someone in the Clerk's Office that they have filed a document in error the filer may need to file a notice of filing error. When someone e-files a notice of filing error, a document is not actually filed in CM/ECF. Instead, a notation in the form of a docket entry is added to the docket sheet indicating a previously filed document was filed in error and should be disregarded. When someone e-files a notice of filing error, it does *not* seal the document that was filed in error.

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

Notices

Available Events (click to select an event)

- Notice
- Notice of Appearance
- Notice of Change of Address
- Notice of Completion of Redaction Review
- Notice of Filing Error**
- Notice of Lis Pendens
- Notice of Voluntary Dismissal
- Notice of Withdrawal and Substitution of Attorney
- Notice of Withdrawal of Attorney

Selected Event

Notice of Filing Error

Next Clear

It is also located on the **Notices** menu under **Other Filings** on the **Criminal Events** menu.

When a notice of filing error is e-filed in CM/ECF it is not normally restricted, however, if the docket entry for the document which was filed in error is sealed or restricted, the docket entry for the notice of filing error should *also* be sealed or restricted during the docketing process. For example, when certain documents that may discuss a defendant's cooperation with the government are filed in a criminal case, the docket entry for such document is sealed. In this situation, the docket entry for a related notice of filing error should also be sealed. Similarly, a notice of filing error related to an ex parte document should also be ex parte.

If a filer is e-filing a notice of filing error in a *civil* case, the filer will be asked the following question:

Should this Notice be Ex Parte because it relates to an Ex Parte document?

If you have any questions, please contact the Clerks Office before filing.

☐ No
☐ Yes

If the filer responds negatively to this question, the notice of filing error will *not* be restricted, and all the case participants will receive a NEF email when it is e-filed, and the notice of filing error will be visible on the docket sheet.

Notices
[4:13-cr-40005-KES USA v. O'Connor et al](#) **CASE CLOSED**
on 04/14/2014
CLOSED

[Collapse All](#) [Expand All](#)

☐ USA pla
☐ Forrest O'Connor (T) dft
☐ Angelias Zephier (T) dft

CAREFULLY select ONLY the parties who should receive this Notice!

Select the Party:

USA [pla]
O'Connor, Forrest (T) [dft]
Zephier, Angelias (T) [dft]

If the filer responds affirmatively to this question, the filer will have an opportunity on the following screen to select only those parties whose attorneys should receive electronic notice when the notice of filing error is e-filed.

As directed, the filer should *carefully* select *only* those parties who should receive a NEF email when the notice of filing error is e-filed and be able to see the docket entry on the docket sheet.

If the filer is e-filing a notice of filing error in a *criminal* case, the filer will be asked the following question:

Should this Notice be Sealed or Ex Parte because it relates to a sealed Docket Entry or an Ex Parte document?

If this Notice is related to a Sealed Document (but not a Sealed Docket Entry), it should NOT be Sealed.

If you have any questions, please contact the Clerks Office before filing.

☐ No
☐ Yes

If the filer responds negatively to this question, the notice of filing error will *not* be restricted, and all the case participants will receive a NEF email when it is e-filed, and the notice of filing error will be visible on the docket sheet.

If the filer responds affirmatively to this question, the filer will be asked the following additional question:

Should this Notice be Sealed or Ex Parte?

☐ It should be Sealed. This means case participants will NOT receive electronic notice and the Notice will NOT be visible on the public Docket Sheet.

☐ It should be Ex Parte. This means only selected case participants will receive electronic notice and be able to see the Notice on the public Docket Sheet.

If the filer responds by selecting the “It should be Sealed. . . .,” option, none of the case participants will receive electronic notice when the notice of filing error is e-filed, and it will not be visible on the docket sheet. In this situation, the filer *must* print a copy of the NEF receipt and serve it on the appropriate case participants.

If the filer responds by selecting the “It should be Ex Parte. . . .,” option, the filer will have an opportunity on the following screen to select only those parties whose attorneys should receive electronic notice when the notice of filing error is e-filed. As directed, the filer should *carefully* select *only* those parties who should receive a NEF email when the notice of filing error is e-filed and be able to see the docket entry on the docket sheet.

Notices
[4:13-cr-40005-KES USA v. O'Connor et al](#) **CASE CLOSED**
on 04/14/2014

CLOSED

[Collapse All](#) [Expand All](#)

- ⊕ USA pla
- ⊕ Forrest O'Connor (T) dft
- ⊕ Angelias Zephier (T) dft

CAREFULLY select ONLY the parties who should receive this Notice!

Select the Party:

USA [pla]
O'Connor, Forrest (T) [dft]
Zephier, Angelias (T) [dft]

For more information about sealed and restricted docket entries, see the [SEALED DOCKET ENTRIES](#) and [RESTRICTED DOCKET ENTRIES](#) sections of this user manual.

If appropriate, re-file the incorrectly filed document after the notice of filing error is e-filed.

IMPORTANT: Filing a notice of filing error does *not* seal the original document which was filed in error. Immediately call the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual if the original document should be sealed because it contains personal data identifiers. If the original document should be sealed for any other reason, the filer **MUST** file a motion to seal. For information about filing a motion to seal, see the [Motions to Seal and their Attachments](#) section of this user manual.

3. OTHER CM/ECF MENU OPTIONS

In addition to the **Civil** and the **Criminal** options on the CM/ECF menu bar, there are other menu options available in CM/ECF. The following sections describe these other menu options.

QUERY MENU



Clicking on **Query** on the CM/ECF menu bar takes you to the following **Search Clues** screen.

CM/ECF Civil Criminal Query Reports Utilities Search Help
Log Out

Query

WARNING: Search results from this screen are NOT subject to the 30 page limit on PACER charges. Please be as specific as possible with your search criteria.

Search Clues [Mobile Query](#)

Case Number

or search by

Case Status: ☐ Open ☐ Closed ☐ All

Filed Date to

Last Entry Date to

Nature of Suit
110 (Contract: Insurance)
120 (Contract: Marine)
130 (Contract: Miller Act)

Cause of Action
02:0431 (02:431 Fed. Election Commission: Failure Enforce C)
02:0437 (02:437 Federal Election Commission)
05:0075 (05:75(2) Contract - Reduction in Grade)

Last/Business Name ☐ Exact matches only

First Name Middle Name

Type

PACER fee: Exempt

For information about changing the PACER fee: Exempt/Not Exempt status shown in **red** on the bottom of this screen, see the [Change PACER Exemption Status](#) section of this user manual.

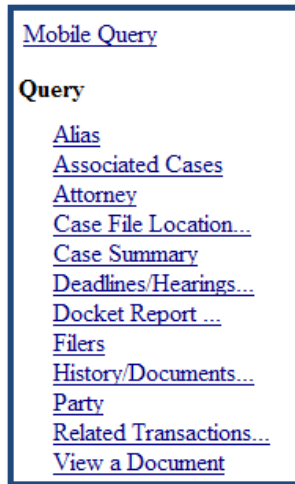
Following is an explanation of each of the search options available on the **Search Clues** screen.

- Case Number:** The number of the last case you queried in the pending CM/ECF session will automatically appear in this field. If you haven't previously queried a case or want to query a different case, you can type the new case number in this field using the YY-##### format, where YY equals the last two digits of the year in which the case was opened and ##### equals the case number. There are four digits in a civil case number and five digits in a criminal case 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 same case number, they will all be displayed. Select a specific case by clicking its associated checkbox. If you click on **Hide Case List**, the list will be hidden but will be displayed again if you click on **Show Case List**.



- **Case Status:** To find a case based on its status, you can click the associated status button.
- **Filed Date:** To find a case based on when it was filed, you can enter beginning and ending dates in these fields.
- **Last Entry Date:** To find a case based on the most recent docket entry, you can enter beginning and ending dates in these fields.
- **Nature of Suit:** To find a case based on a nature of suit code in a civil case, you can 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 a cause of action code in a civil case, you can 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, you can enter a search string beginning with the first letter of the party's or the attorney's last name. You can use an asterisk as a substitute for an unknown letter or letters. For example, Jo*s will return Johnson, Jones, 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:** You can select either **Attorney** or **Party** from the drop-down list. If you leave this field blank, the query results will include both attorneys and parties.

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 **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 possible cases on the next screen. When you have finally narrowed your search to one case, you will see the following **Query** screen:



Following is an explanation of each of the options available on the **Query** screen.

- **Mobile Query:** Links to an interface which provides limited CM/ECF information on a mobile device. For more information about Mobile Query see the [Mobile Query User Guide for Attorneys](#) posted on the district court's website.
- **Alias:** Displays aliases for parties who have aliases.
- **Associated Cases:** Displays a list of associated cases. You can 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 deadline or hearing was set. 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 set. You will be charged applicable PACER access fees to look at a document.
- **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 about selecting criteria for running a docket report/sheet.
- **Filers:** Displays a list of all filers associated with the case. Clicking on a filer's name displays a list of documents filed by that filer. Clicking on a silver ball  icon shows you docket information and related docket entries. Clicking on a document number

hyperlink allows you to look at the related document. You will be charged applicable PACER access fees to look at a document.

- **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 silver ball  icon shows you the full docket text associated with a docket entry. Clicking on a document number hyperlink allows you to look at the related document. You will be charged applicable PACER access fees to look at a document.
- **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. Documents which are “linked” to one another are grouped together. Clicking on a silver ball  icon shows you the full docket text associated with a docket entry and all its related docket entries. Clicking on a document number hyperlink allows you to look at the related document. You will be charged applicable PACER access fees to look at a document. For more information about linking documents, see the [E-FILING OTHER DOCUMENTS](#) section of this user manual.
- **View a Document:** Allows you to look at a document by entering its document number. Also allows you to look at a specific page in the document by entering its unique Page ID #. You will be charged applicable PACER access fees to look at a document.

REPORTS MENU

The following sections describe the various reports available on the **Reports** screen.

| Reports | | |
|--------------------------------|-----------------------------------|--|
| Docket Reports | Civil and Criminal Reports | Miscellaneous Reports |
| Docket Sheet | Calendar Events | Internet Payment History |
| | Docket Activity | |
| Civil Reports | Written Opinions | |
| Civil Cases | | |
| Criminal Reports | | |
| Criminal Cases | | |

Docket Sheet

Clicking on **Docket Sheet** takes you to the following **Docket Sheet** screen.

CM/ECF Civil Criminal Query Reports Utilities Search Help Log Out

Docket Sheet

Case number

☒ Filed to

☐ Entered

Documents to

Go to Document or PageID

Include:

☒ Parties and counsel

☒ Terminated parties

☐ List of member cases

☐ Links to Notices of Electronic Filing

Document options:

☒ Include headers when displaying PDF documents

☐ View multiple documents

Format:

☒ HTML (unpaginated)

☐ PDF (paginated)


Sort by

PACER fee: Exempt

For information about changing the PACER fee: Exempt/Not Exempt status shown in **red** on the bottom of this screen, see the [Change PACER Exemption Status](#) section of this user manual.

Following is an explanation of each of the options 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 haven't previously queried a case or want to see a docket sheet in a different case, you can type the new case number in this field using the YY-##### format, where YY equals the last two digits of the year in which the case was opened and ##### equals the case number. There are four digits in a civil case number and five digits in a criminal case 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 same case number, they will all be displayed. Select a specific case by clicking its associated checkbox. If you click on **Hide Case List**, the list will be hidden but will be displayed again if you click on **Show Case List**.
- **Filed/Entered:** To request entries by date, you can enter beginning and ending dates in these fields.
- **Documents:** To request entries by docket number, you can 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 unique Page ID #.
- **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 which have been joined or associated with the case such as consolidated cases.
- **Links to Notices of Electronic Filing:** Check this box to be able to look at Notices of Electronic Filing (NEF) receipts. Click on the silver ball  icon next to a docket entry on the docket sheet to look at the associated NEF receipt.
- **Include headers when displaying PDF documents:** Check this box if you want headers to display on each page of a document. Each header includes the case number, document number, date filed, total number of pages filed, unique Page ID #, and looks like 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 would disappear, 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 your options, you can check 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 checking this box, you *must* click on **Run Report** to save your default selections.

WARNING! When you click on **Run Report** at the bottom of the screen, the docket sheet (or in some instances a document) is displayed and you are automatically charged applicable PACER access fees because you accessed the docket sheet (or document).

Use the arrow keys on your computer keyboard or the scroll bar to scroll through the docket sheet. It is recommended that you either print or save the docket sheet at this time.

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

You can run a combined docket sheet for a subset of criminal defendants in a multi-defendant criminal case. A new **View Combined Docket Report** checkbox will be displayed when the case number for a multiple defendant criminal case is entered and two or more of the criminal defendants' subcases are selected. Checking the **View Combined Docket Report** box allows you to run a combined docket sheet for the selected defendants. It is recommended that you either print or save the combined docket sheet at this time.

Docket Sheet

Case number

Select a case:

- ☐ 3:01-cr-30057-CBK USA v. Little Thunder, et al (closed 01/11/2002)
 - ☐ 3:01-cr-30057-CBK-1 Torrence S. Little Thunder (closed 11/19/2001)
 - ☐ 3:01-cr-30057-CBK-2 Grover Albert Siers, III (closed 11/28/2001)
 - ☒ 3:01-cr-30057-CBK-3 Tyler James El Jackson (closed 01/11/2002)
 - ☒ 3:01-cr-30057-CBK-4 Jesse James Swalley (closed 08/08/2001)
- ☒ View Combined Docket Report

Civil Cases

Enter your search criteria on the following **Civil Cases Report** screen and click on **Run Report** at the bottom of the screen.

Civil Cases Report

Warning: This report is not subject to the 30 page billing cap.
You will be billed for the total number of pages. If you want to run a report for a single case, you can use the Query Menu or the Docket Report.

Office:

Case type:

Nature of suit:

Cause:

Jurisdiction:

Case flags:

Terminal digit(s): ☒ Open cases ☐ Closed cases

JPML number:

Filed: to

Sort by:

Output Format: ☒ Formatted Display ☐ Data Only

☐ Make these options my default.

The **Civil Cases Report** displays summary data for selected civil and/or miscellaneous cases opened in CM/ECF and includes links to view more detailed information about each case.

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, it's better to use the **Query** menu or the **Docket Sheet** report instead.

Criminal Cases

Enter your search criteria on the following **Criminal Cases Report** screen and click on **Run Report** at the bottom of the screen.

Criminal Cases Report

Warning: This report is not subject to the 30 page billing cap.
You will be billed for the total number of pages. If you want to run a report for a single case, you can use the Query Menu or the Docket Report.

Office:

Case types:

Case flags:

Citation:

Count Status: ☒ Pending ☐ Disposed

Include CVB Cases: ☐ Yes ☒ No

Filed: to

Terminal digit(s): 2, 4, 7 ☒ Pending defendants ☐ Terminated defendants

Sort by:

Output Format: ☒ Formatted Display ☐ Data Only

☐ Make these options my default.

The **Criminal Cases Report** displays summary data for selected criminal and/or magistrate cases opened in CM/ECF and includes links to view more detailed information about each case.

Calendar Events

Enter your search criteria on the following **Calendar Events Report** screen and click on **Run Report** at the bottom of the screen.

Calendar Events Report

Case number:

Office:

Nature of suit:

Calendar events:


Set: to

☐ Both ☐ AM ☐ PM

Time: ☐ AM ☐ PM

☒ Include docket text ☒ Include closed cases
☒ Display terminated parties

Sort by:

Information appearing on this report includes the date and time of the calendar event, an active case number hyperlink, attorneys and their clients' roles in the case, the docket text for the docket entry setting the calendar event, and a silver ball  icon which reveals a **Related Proceedings Report** when clicked. There are no fees associated with running this report.

Docket Activity

Enter your search criteria on the following **Docket Activity Report** screen and click on **Run Report** at the bottom of the screen.

Warning: This report is not subject to the 30 page billing cap.
 You will be billed for the total number of pages. If you want to run a report for a single case, you can use the Query Menu or the Docket Report.

Docket Activity Report PUBLIC ACCESS

Case number:

Office:

Case type:

Event category:

Case flags:

☒ Only cases to which I am linked ☐ Open cases
☐ Closed cases

Filed between: and ☒ Summary text
☐ Full docket text

Sort by:

☐ Make these options my default.

The **Docket Activity Report** allows you to obtain a list of all filings for a specific period. The **Only cases to which I am linked** box is checked by default, which limits the report. If you want to include cases in which you are *not* a participant, uncheck this box. Your search results can also be restricted to open and/or closed cases.

Written Opinions

Pursuant to the E-Government Act of 2002, as amended, this district court has provided public access to all unrestricted written opinions issued by this court since April 16, 2005. Enter your search criteria on the following **Written Opinions Report** screen and click on **Run Report** at the bottom of the screen.

The screenshot shows the 'Written Opinions Report' form. It includes fields for Case Number, Last Name, First Name, and Middle Name. There are dropdown menus for Office (Northern Division, Central Division), Case Type (Civil, Criminal), Case Flags (APPEAL, APPEAL-MAG), Nature of Suit (110 (Contract: Insurance), 120 (Contract: Marine)), and Cause (02:0431 (02:431 Fed. Election...), 02:0437 (02:437 Federal Elect...)). It also has date fields for 'Filed between' (11/6/2015 and 12/7/2015), radio buttons for 'Summary text' and 'Full docket text' (selected), a 'Sort by' dropdown (Case Number), and 'Run Report' and 'Clear' buttons.

The **Written Opinions Report** can be run for any period, but defaults to the last 30 days. This report includes all written opinions which were filed during the specified time. The Judicial Conference defines a written opinion as “any document issued by a judge or judges of the court, sitting in that capacity, that sets forth a reasoned explanation for a court’s decision.”

IMPORTANT: There are no fees associated with running this report or accessing the opinions listed on this report. However, PACER access fees will apply when viewing the docket sheet associated with a specific 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 you (the attorney or pro se filer who is logged into CM/ECF) have made utilizing Pay.gov while electronically filing documents in CM/ECF during the specified period.

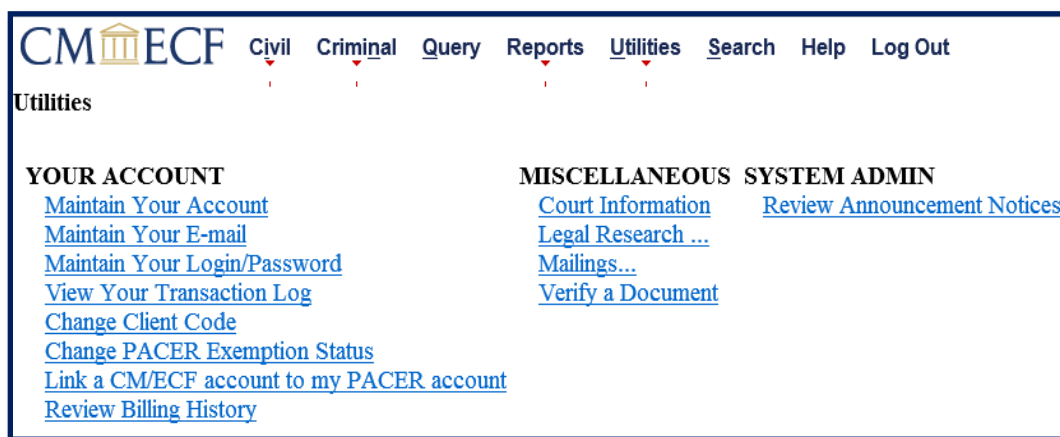
The screenshot shows the 'Internet Payment History' form. It includes date fields for 'From' (11/6/2015) and 'to' (12/6/2015). At the bottom, there are 'Run Report' and 'Clear' buttons, and a checkbox labeled 'Make these options my default'.

There are no fees associated with running this report. For more information about Pay.gov, see the [PAY.GOV](#) section of this user manual.

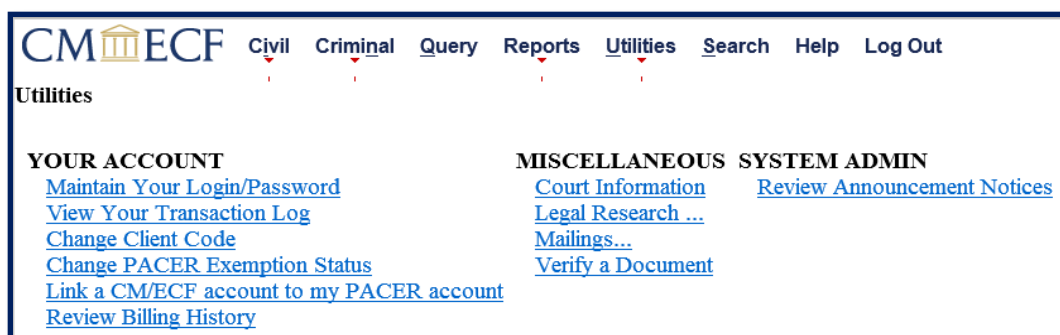
UTILITIES MENU



Clicking on **Utilities** on the CM/ECF menu bar takes *attorneys* to the following **Utilities** screen:



Clicking on **Utilities** on the CM/ECF menu bar takes *pro se filers* to the following **Utilities** screen:



The following sections describe the available utility options. The two utilities available to attorneys but not available to *pro se filers* are **Maintain Your Account** and **Maintain Your E-mail**. The **Change PACER Exemption Status** utility is only available to Criminal Justice Act (CJA) panel attorneys who have activated CJA privileges for their PACER account. For more information about the CJA, see the [PACER](#) section of this user manual and the [Plan for Adequate Representation of Defendants Pursuant to the Criminal Justice Act of 1964, as Amended](#) located on the district court's website.

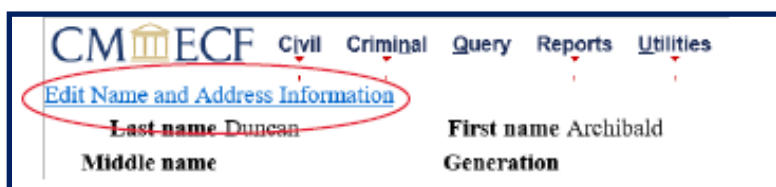
Maintain Your Account

An attorney can click on this utility to (1) edit the name and address information associated with their *national* PACER account, (2) update the primary email address associated with their *national* PACER account, (3) add, update, or delete secondary email addresses associated with their *local* CM/ECF account, and (4) configure both their primary and secondary email addresses. These options are explained in the following sections.

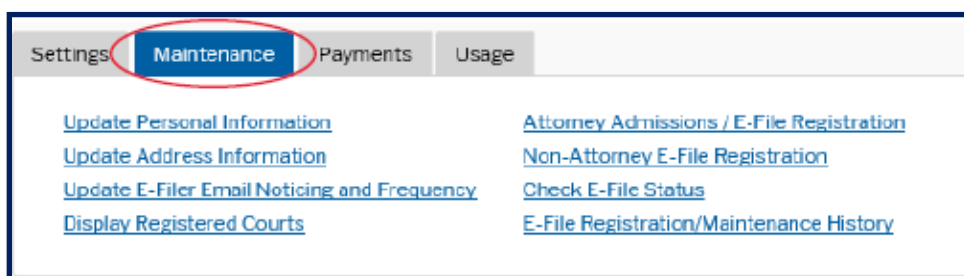
Name and Address Information

An attorney can use this utility to edit the name and address information associated with their *national* PACER account. (A pro se filer must log directly into their PACER account at www.pacer.uscourts.gov to edit this information.)

In the upper left-hand corner of the **Maintain Your Account** screen, click on the [Edit Name and Address Information](#) hyperlink.



You will be redirected to the PACER Service Center. On the following **Manage My Account** screen, click on the **Maintenance** tab:



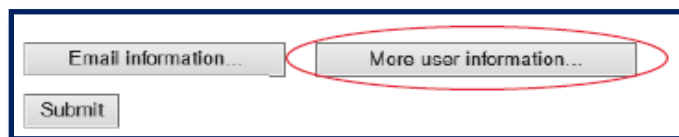
Click on the [Update Personal Information](#) hyperlink or the [Update Address Information](#) hyperlink to modify the associated information stored *nationally* at the PACER Service Center. Click on **Submit** when you are finished. Return to CM/ECF if desired.



Primary Email Address

An attorney can use this utility to update their primary email address. (A pro se filer must log directly into their PACER account at www.pacer.uscourts.gov to update this information.)

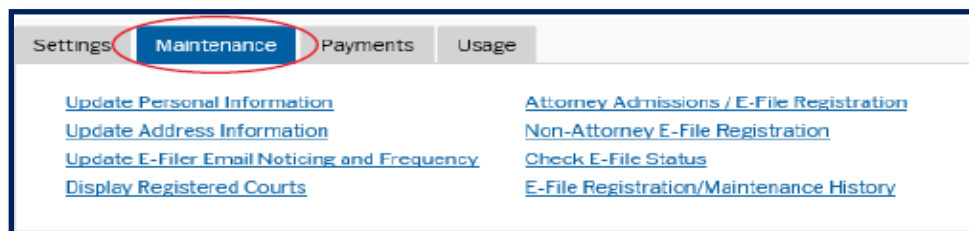
At the bottom of the **Maintain Your Account** screen, click on the **More user information...** button.



Click on the [Update Account Information](#) hyperlink located near the top of the next screen.

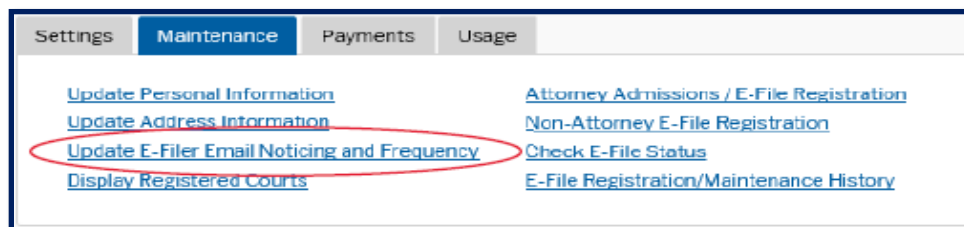
You will be redirected to the PACER Service Center where you may be required to re-enter the password for your PACER account. Note that your primary email address is stored *nationally* at the PACER Service Center, whereas your secondary email address(es) is stored *locally* in CM/ECF.

On the **Manage My Account** screen, click on the **Maintenance** tab:



Click on the [Update E-Filer Mail Noticing and Frequency](#) hyperlink to update the primary email address associated with your PACER account and how often you receive email notification when activity occurs in your cases — at the time of filing or once per day — and the format of your NEF emails — HTML (unpaginated) or Text (paginated). Click **Submit** when you are finished. Return to CM/ECF if desired. For more information

about configuring your email notifications, see the [Configuring Email Addresses](#) section of this user manual.

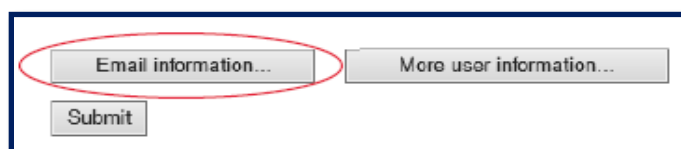


Secondary Email Addresses

Secondary email addresses are optional, but highly recommended.

An attorney can use this utility to add, update, or delete their *secondary* email addresses. Note that secondary email addresses are stored *locally* in CM/ECF, whereas your primary email address is stored *nationally* at the PACER Service Center. (Pro se filers must contact this district court directly to add, update, or delete their secondary email addresses. See the [HELP DESK](#) section of this user manual for district court contact information.)

At the bottom of the **Maintain Your Account** screen, click on the **Email information...** button.



You will be routed to the **Email Information** screen in CM/ECF which is divided into two panes. The left-hand pane includes active hyperlinks for your primary and secondary email addresses. **Do NOT make changes to your *primary* email address on this screen!** If you do, the changes will only apply to your *local* CM/ECF account and not your *national* PACER account. See the [Primary Email Address](#) section of this user manual for information about updating your primary email address stored nationally at the PACER Service Center.

Click on the *secondary* email address you want to update or delete. Otherwise, click on the hyperlink to add a new secondary email address.



CM/ECF Civil Criminal Query

Email Information for Archibald Duncan

Registered e-mail addresses

Primary e-mail address:
archieduncan@gmail.com

Secondary e-mail addresses:
[add new e-mail address](#)

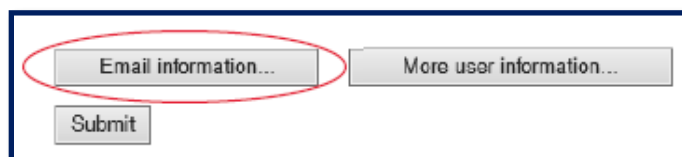
Return to Person Information Screen Clear

When the right-hand pane opens, configure your secondary email address as desired. Detailed information about configuring your primary and secondary email addresses is set forth below.

Configuring Email Addresses

Both primary *and* secondary email addresses are configured locally in CM/ECF. Attorneys can use this utility to configure both their primary and secondary email addresses. (Pro se filers can log directly into their PACER account at www.pacer.uscourts.gov to control how often they receive email notification when activity occurs in their cases — at the time of filing or once per day — and the format of their NEF emails — HTML (unpaginated) or Text (paginated). Pro se filers must contact this district court directly to otherwise configure their primary and secondary email addresses. See the [HELP DESK](#) section of this user manual for district court contact information.)

At the bottom of the **Maintain Your Account** screen, click on the **Email information...** button.



Email information... More user information... Submit

You will be routed to the **Email Information** screen in CM/ECF which is divided into two panes. The left-hand pane includes active hyperlinks for your primary and secondary email addresses.

Click on an email address to modify its configuration options. Configuration options will populate in the right-hand pane. These configuration options include the following:

- **Should this e-mail address receive notices?** This option defaults to **Yes** and should be left that way.
- **Verify free look use when viewing NEF documents?** If this configuration option is set to **Yes**, CM/ECF will verify the free look usage whenever the recipient of a Notice of Electronic Filing (NEF) email clicks on a document number hyperlink contained in the email — before providing access to the document and consuming the recipient’s “one free look.” The following free look verification prompt will appear:

“This action will use your one free look for this document. Additional viewings of this document in the future will incur a billing charge.”

At the prompt, the NEF email recipient can select either **Continue** or **Cancel**. Selecting **Continue** will trigger viewing of the document and will use the recipient’s “one free look.” Selecting **Cancel** will NOT use the “one free look.” If the document is a restricted document, CM/ECF will generate a warning regarding access limitations together with the free look verification prompt. For more information about accessing restricted documents, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual.

- **How should notices be sent to this e-mail address?** This option defaults to **Per Filing**. This means the email recipient will automatically receive a *separate* NEF email each time a document generating an NEF email is filed in one of the attorney’s cases. If the email recipient would rather receive a *daily* summary report via email which includes a list of everything that was filed in the attorney’s cases during the *previous* day, click on **Summary Report**. If summary report is selected, 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 saying, “no transactions found for this time period” when nothing was filed in any of the attorney’s cases during the previous day.

Primary and secondary email addresses are case sensitive (uppercase and lowercase letters have different meaning) with respect to summary reports. A primary or secondary email address which is set up to receive a summary report on more than one attorney’s account will receive a combined summary report if the email address is entered in the same way on each of the attorneys’ accounts. If the email address is *not* entered in the exact same way on each of the attorneys’ accounts, separate summary reports will be generated for each email address. This means if a secondary email address is entered as jane.doe@usdoj.gov on one attorney’s account and as Jane.Doe@usdoj.gov on another attorney’s account and they are both set up to receive summary reports, the system will send one summary report to jane.doe@usdoj.gov and separate summary report to Jane.Doe@usdoj.gov, instead of one combined summary report.

IMPORTANT: When the method of receiving electronic notice for a secondary email address differs from the method of receiving electronic notice for the primary email address on an attorney's account (e.g., the primary email address receives a daily summary report and a secondary email address receives an NEF each time a document is filed, or vice versa), there can be problems. Please contact the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual if you experience a problem.

- **In what format should notices be sent to this e-mail address?** This option defaults to "HTML." If the email recipient would rather receive text-formatted NEF emails, select "Text." Most email recipients prefer unpaginated HTML-formatted NEF emails.
- **Should this e-mail address receive general announcement notices from this court?** This option defaults to "Yes." Even if you select "No," please note your choice can still be overridden when the district court sends out an important email announcement.

The configuration options for a secondary email address also include the following option:

- **Should this e-mail address receive notice for all cases in which this individual is a participant?** (The referenced individual is the attorney.) This option defaults to "Yes." If the secondary email address should not receive NEF emails each time something is filed in one of the attorney's cases, 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 email address recipient should receive NEF emails. Hold down the **Ctrl** key to select more than one case.

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

- You can add a case so you will receive a NEF email each time a document is filed in the case even if the attorney is not a participant in the case by entering the case number in the **Add additional cases for noticing** box in the middle portion of the right-hand pane and clicking on **Find this Case** and then clicking on **Add case(s)**.
- If you normally receive a daily summary report, you can receive NEF emails on a per filing basis for selected cases by clicking on the case number or numbers (hold down the **Ctrl** key to select more than one case) of the selected cases in the **These cases will send notice per filing** box in the middle portion of the right-hand pane and clicking on **Change selected cases to notice per filing**.

- If you normally receive NEF emails on a per filing basis, you can receive a daily summary report for selected cases by clicking on the case number or numbers (hold down the **Ctrl** key to select more than one case) of the selected cases in the **These cases will send notice as a summary report** box in the middle portion of the right-hand pane and clicking on **Change selected cases to notice as a summary report**.

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

Maintain Your Email

An attorney can use this utility to add, update, or delete their *secondary* email addresses stored *locally* in CM/ECF. See the [Secondary Email Addresses](#) section of this user manual for specific information about updating secondary email addresses. **Do NOT make changes to your primary email address using this utility!** If you do, the changes will only apply to your *local* CM/ECF account and not your *national* PACER account. See the [Primary Email Address](#) section of this user manual for specific information about updating your primary email address.

An attorney can also use this utility to *configure* both their primary *and* secondary email addresses. See the [Configuring Email Addresses](#) section of this user manual for detailed information.

Pro se filers have limited ability to configure their primary email address by logging directly into their PACER account at www.pacer.uscourts.gov. See the [Configuring Email Addresses](#) section of this user manual for detailed information. Otherwise, pro se filers must contact this district court directly to configure their primary and secondary email addresses. See the [HELP DESK](#) section of this user manual for district court contact information.

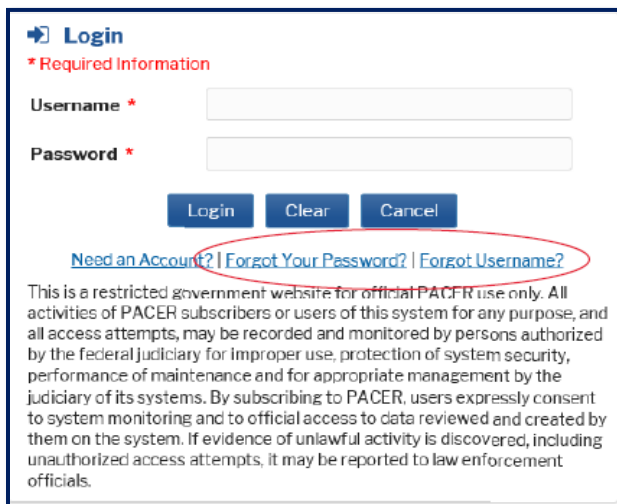
Maintain Your Login/Password

An attorney and a pro se filer can use this utility to retrieve the username and/or change the password associated with their PACER account which is stored *nationally* at the PACER Service Center. Note that when our district court transitioned to NextGen CM/ECF, Central Sign-On made CM/ECF logins and passwords obsolete. For more information about Central Sign-On, see the [NEXTGEN CM/ECF AND CENTRAL SIGN-ON](#) section of this user manual.

On the **Maintain Your Login/Password** screen, click on the following hyperlink:

[Redirect to PACER MANAGE MY ACCOUNT](#)

You will be redirected to the PACER Service Center where you may be required to re-enter the password for your PACER account. If you have forgotten the username and/or password for your PACER account, you can retrieve and/or reset them by clicking on the [Forgot Username?](#) or [Forgot Your Password?](#) utilities on this screen.



Login
* Required Information

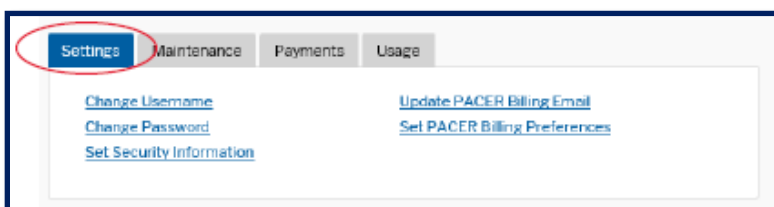
Username *

Password *

[Need an Account?](#) [Forgot Your Password?](#) [Forgot Username?](#)

This is a restricted government website for official PACER use only. All activities of PACER subscribers or users of this system for any purpose, and all access attempts, may be recorded and monitored by persons authorized by the federal judiciary for improper use, protection of system security, performance of maintenance and for appropriate management by the judiciary of its systems. By subscribing to PACER, users expressly consent to system monitoring and to official access to data reviewed and created by them on the system. If evidence of unlawful activity is discovered, including unauthorized access attempts, it may be reported to law enforcement officials.

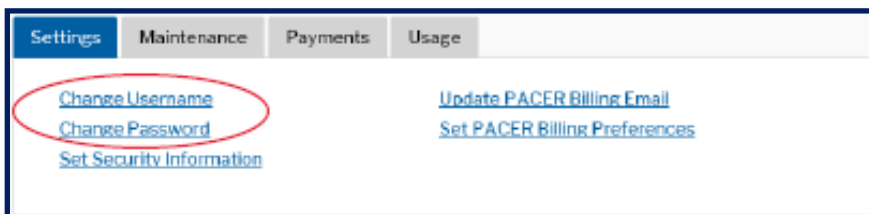
When you reach the following **Manage My Account** screen, click on the **Settings** tab.



Settings Maintenance Payments Usage

[Change Username](#) [Update PACER Billing Email](#)
[Change Password](#) [Set PACER Billing Preferences](#)
[Set Security Information](#)

Click on the [Change Username](#) hyperlink and/or the [Change Password](#) hyperlink to modify the associated information stored *nationally* at the PACER Service Center. Click on **Submit** when you are finished. Return to CM/ECF if desired.



Settings Maintenance Payments Usage

[Change Username](#) [Update PACER Billing Email](#)
[Change Password](#) [Set PACER Billing Preferences](#)
[Set Security Information](#)

View Your Transaction Log

Attorneys and pro se filers can look at a history of their transactions in CM/ECF for a specified period by entering a Start Date and an End Date in the **View Transaction Log** utility. Use this utility to review your transactions and to verify the following:

- All your submissions were accepted by the CM/ECF system.
- Unauthorized persons haven't used your CM/ECF login and password.

Change Client Code

When logging into PACER, attorneys and pro se filers can enter a client code for billing purposes. You can change the client code any time during a pending CM/ECF 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 and can be utilized to track PACER access fees incurred on behalf of individual clients. No fees are incurred when electronically filing documents in CM/ECF.

Change PACER Exemption Status

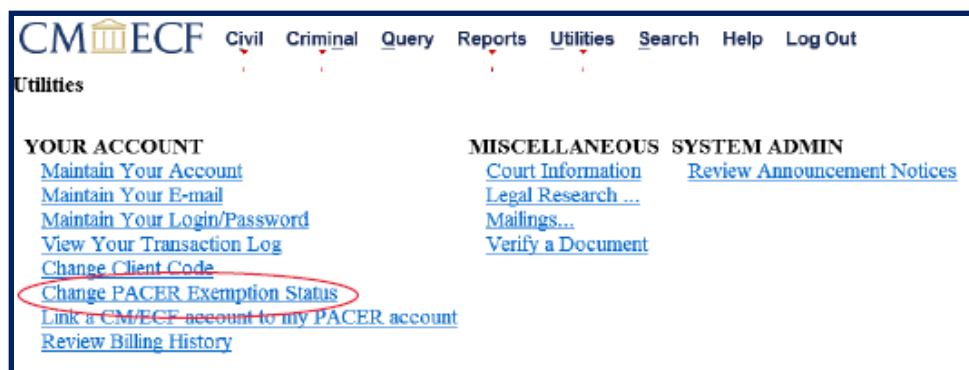
Attorneys who have an updated individual PACER account with Criminal Justice Act (CJA) privileges can use this utility to toggle their PACER account from non-fee-exempt status to fee-exempt status when accessing applicable documents and reports via CM/ECF.

The words **PACER fee: Not exempt** will appear in bold **red** text on the selection criteria screens in CM/ECF for billable reports and queries, unless an attorney is using their exempt account, in which case the text should read: **PACER fee: Exempt**

If the attorney does not have an upgraded individual PACER account or has not yet activated CJA privileges for their PACER account, they can obtain an account or activate privileges at the [PACER Service Center](#). For more information about PACER, see the [PACER](#) section of this user manual. For more information about the Criminal Justice Act, see the [Plan for Adequate Representation of Defendants Pursuant to the Criminal Justice Act of 1964, as Amended](#) located on the district court's website.

This utility works as follows:

1. Click on the **Change PACER Exemption Status** utility.



2. You will be redirected to the [PACER Service Center](#). One of the following **Change PACER Exemption Status** screens will reflect your current exemption status:

South Dakota District Court
Change PACER Exemption Status

Current Exempt Status:

Not Exempt

Change PACER Status to:

☒ Not Exempt
☐ Exempt CJA

Submit

Cancel

South Dakota District Court
Change PACER Exemption Status

Current Exempt Status:

Exempt CJA

Change PACER Status to:

☐ Not Exempt
☒ Exempt CJA

Submit

Cancel

You can change your current exemption status by clicking the radio button associated with **Not Exempt** or **Exempt CJA** and clicking on **Submit**. You will be redirected back to CM/ECF.

When you click on **Query** on the CM/ECF menu bar, you will see bold **red** text at the bottom of the **Query** screen reflecting your current PACER fee exemption status.

Query

WARNING: Search results from this screen are NOT subject to the 30 page limit on PACER charges. Please be as specific as possible with your search criteria.

Search Clues [Mobile Query](#)

Case Number

or search by

Case Status: ☐ Open ☐ Closed ☐ All

Filed Date to

Last Entry Date to

Nature of Suit
110 (Contract: Insurance)
120 (Contract: Marine)
130 (Contract: Miller Act)

Cause of Action
02:0431 (02:431 Fed. Election Commission: Failure Enforce C)
02:0437 (02:437 Federal Election Commission)
06:0075 (06:75(2) Contract - Reduction in Grade)

Last Business Name ☐ Exact matches only

First Name Middle Name

Type

PACER fee: Exempt CJA [Change](#)

Query

WARNING: Search results from this screen are NOT subject to the 30 page limit on PACER charges. Please be as specific as possible with your search criteria.

Search Clues [Mobile Query](#)

Case Number

or search by

Case Status: ☐ Open ☐ Closed ☐ All

Filed Date to

Last Entry Date to

Nature of Suit
110 (Contract: Insurance)
120 (Contract: Marine)
130 (Contract: Miller Act)

Cause of Action
02:0431 (02:431 Fed. Election Commission: Failure Enforce C)
02:0437 (02:437 Federal Election Commission)
06:0075 (06:75(2) Contract - Reduction in Grade)

Last Business Name ☐ Exact matches only

First Name Middle Name

Type

PACER fee: Not Exempt [Change](#)

This bold **red** text also appears on election criteria screens in CM/ECF for billable reports and queries and on screens prior to viewing PDFs from document hyperlinks.

3. The [Change](#) link associated with bold **red** text allows you to easily change your PACER fee exemption status. Clicking on the [Change](#) link redirects you to the **Change PACER Exemption Status** screen at the [PACER Service Center](#) where you can toggle back and forth between fee-exempt status and non-fee-exempt status. After you click on the **Submit** button, the bold **red** text will be updated to reflect your current PACER fee exemption status.

You must change your status back to **Not Exempt** once you have finished working on CJA-related work or if you need to perform non-CJA work during the current CM/ECF session.

IMPORTANT: Attorneys are responsible for setting/changing their exemption status dependent upon the circumstances/cases for which they are exempt. Accessing documents on a fee-exempt basis is closely monitored and inappropriate usage by an attorney will in the attorney's loss of PACER privileges.

Link CM/ECF Account to My PACER Account

If you had a CM/ECF account prior to when our court transitioned to NextGen CM/ECF, you must link your CurrentGen CM/ECF account with your individual upgraded PACER account **before** you can electronically file documents or access restricted documents in CM/ECF. For more information about NextGen CM/ECF, see the [NEXTGEN CM/ECF AND CENTRAL SIGN-ON](#) section of this user manual.

Follow these steps to link your accounts:

1. Go to the district court's website located at www.sdd.uscourts.gov and click on the **E-Filing (CM/ECF)** hyperlink in the gray box on the left-hand side of the home page.
2. Click on the **District of South Dakota – Document Filing System** hyperlink in the center of the next screen.

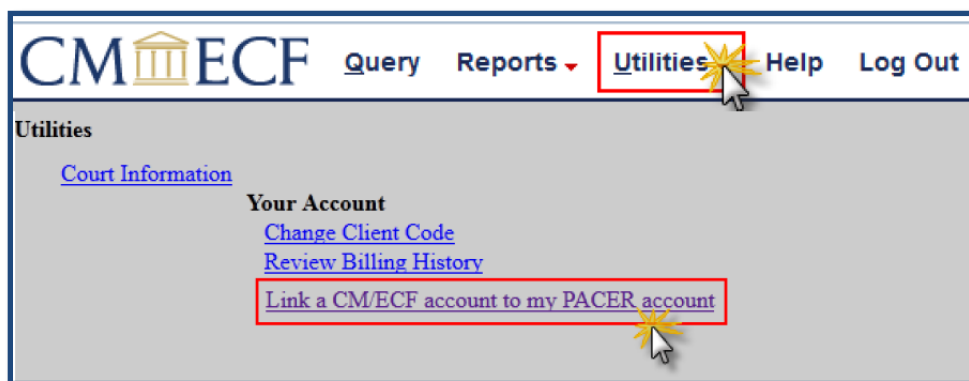


- Log into your upgraded individual **PACER** account on the **PACER Login** screen using your username and password. Do *not* log in with a shared firm PACER account.



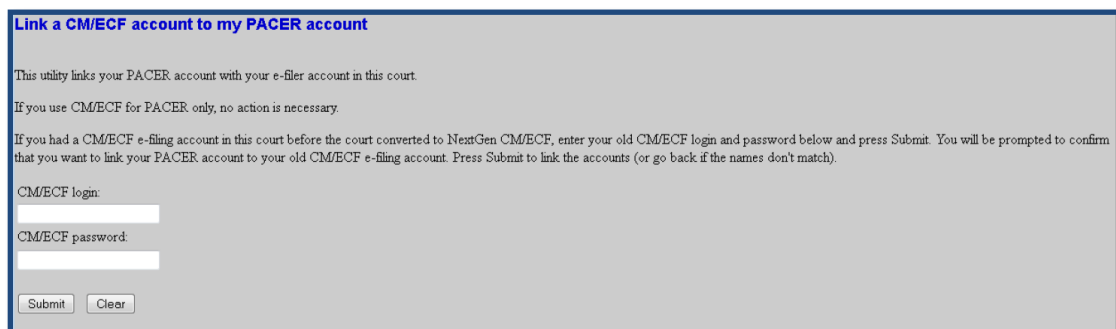
The image shows the PACER Login screen. It has a blue header with the word "Login". Below the header are three input fields: "Username *", "Password *", and "Client Code". Below these fields are three buttons: "Login", "Clear", and "Cancel". At the bottom, there are three links: "Need an Account?", "Forgot Your Password?", and "Forgot User Name?". A notice at the bottom states: "NOTICE: This is a restricted government web site for official PACER use only. Unauthorized entry is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged."

- Click on **Utilities** and select **Link a CM/ECF account to my PACER account**.



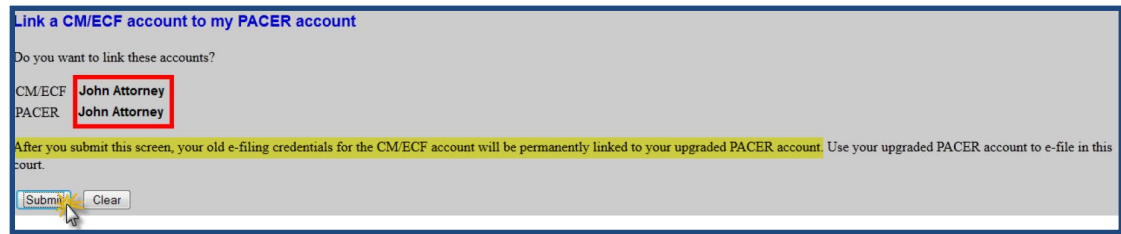
The image shows the CM/ECF Utilities page. The top navigation bar includes the CM/ECF logo, "Query", "Reports", "Utilities" (highlighted with a red box and a mouse cursor), "Help", and "Log Out". Below the navigation bar, the "Utilities" section is displayed. It includes a link for "Court Information" and a "Your Account" section with three links: "Change Client Code", "Review Billing History", and "Link a CM/ECF account to my PACER account" (highlighted with a red box and a mouse cursor).

- Enter your case sensitive login and password for your CurrentGen **CM/ECF** account. Click **Submit**.



The image shows the "Link a CM/ECF account to my PACER account" screen. It has a blue header with the title "Link a CM/ECF account to my PACER account". Below the header, there is a paragraph of text: "This utility links your PACER account with your e-filer account in this court. If you use CM/ECF for PACER only, no action is necessary. If you had a CM/ECF e-filing account in this court before the court converted to NextGen CM/ECF, enter your old CM/ECF login and password below and press Submit. You will be prompted to confirm that you want to link your PACER account to your old CM/ECF e-filing account. Press Submit to link the accounts (or go back if the names don't match).". Below the text are two input fields: "CM/ECF login:" and "CM/ECF password:". At the bottom, there are two buttons: "Submit" and "Clear".

6. Verify that your CurrentGen CM/ECF account and your *individual* upgraded PACER account as listed are correct. If they are, click **Submit**.



7. You have now successfully linked your accounts. Refresh your screen (press F5 on your keyboard) to see the **Civil** and **Criminal** options for filing on the CM/ECF menu bar.
8. Your CurrentGen CM/ECF account is now obsolete.

Review Billing History

Clicking on the **Review Billing History** utility opens a new browser window directing you to a **PACER Login** screen where you can log into your PACER account and search for and review your detailed PACER transactions for up to a three-month period for a specific federal court or for all federal courts. Data will be retrieved and formatted based on options you select. For more information about PACER, see the [PACER](#) section of this user manual.

Court Information

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

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

The **Court Information** utility also includes a hyperlink to this 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 active hyperlink for the RSS feed brings up a screen containing a list of the most recent submissions to this district court's CM/ECF system. Each entry on the list includes an active case number/name hyperlink, an active document number hyperlink (if there is an associated document), and the name of the event used to file the document. When you click on an active case number/name or document number hyperlink, you will be routed to a **PACER Login** screen. If you continue, you will incur applicable PACER access fees when accessing

documents and other case information stored in CM/ECF. For more information about PACER, see the [PACER](#) section of this user manual.

Legal Research

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

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

Mailings

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

- **Mailing Info for a Case:** After entering a 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 service when something is filed in the case.
- **Mailing Labels by Case:** After entering a 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 the electronic “signature” on a document is the same signature that was on it 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 which have been emailed to public users by this district court in the past. In addition to other timely announcements, this district court sends out a monthly attorney newsletter on the second Friday of every month.

HELP MENU

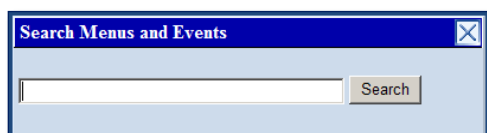


Clicking on the **Help** menu on the CM/ECF menu bar gives you access to online help related to the screen you are currently viewing in CM/ECF.

SEARCH MENU

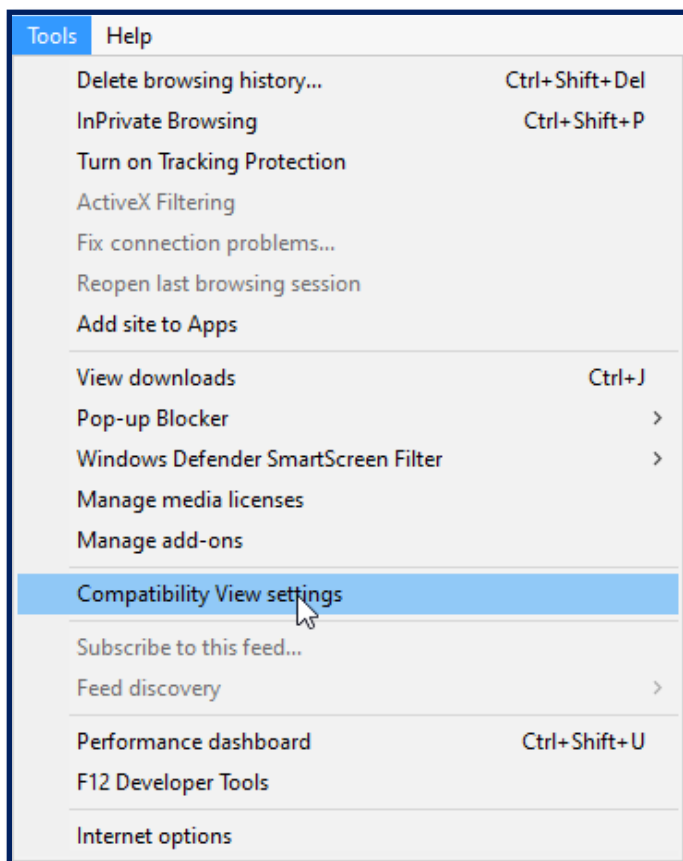


Clicking on the **Search** menu on the CM/ECF menu bar opens the following search box:

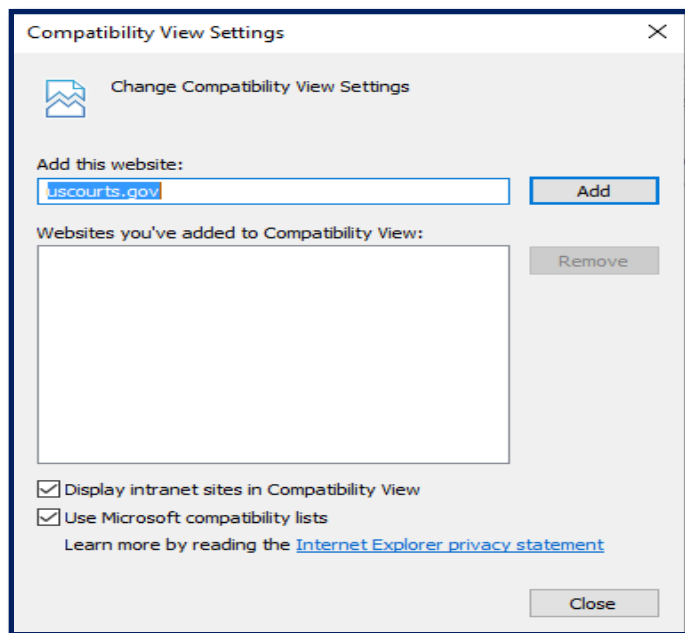


Typing a word or a partial word in the search box brings up a list of active hyperlinks for all CM/ECF menu items and events which contain the characters entered. Click on an active hyperlink to immediately go to that menu item or event.

If you click on the **Search** menu and nothing happens and you are using Internet Explorer (IE), try clicking on **Tools** on your IE toolbar and selecting **Compatibility View settings**.



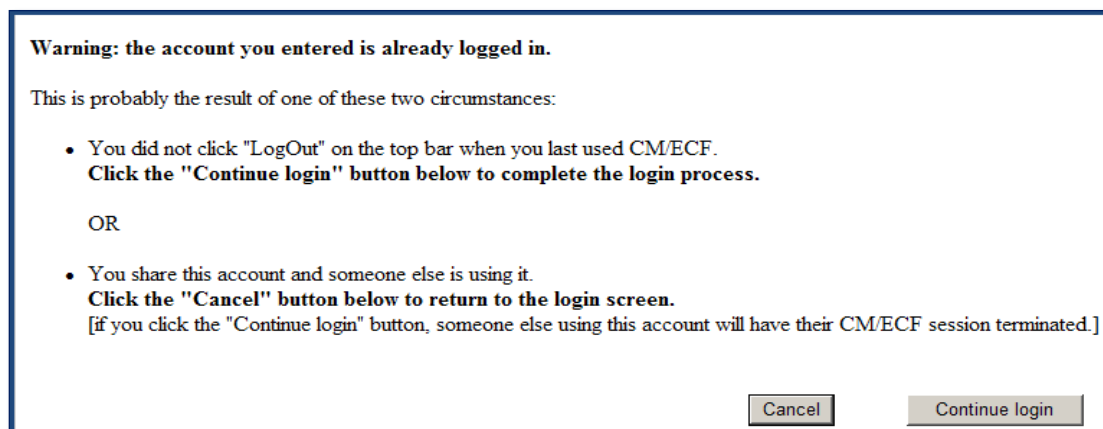
When the following **Compatibility View settings** window opens, it should say “uscourts.gov” in the **Add this website** box. If it doesn’t, click on the **Add** button and then click on the **Close** button.



LOGOUT

At the end of every CM/ECF session, log out by clicking on **Logout** on the CM/ECF menu bar. If you do not log out, you may see the following message the next time you log into CM/ECF.

If you see this message when you log into CM/ECF, click on the **Continue login** button to complete the login process.

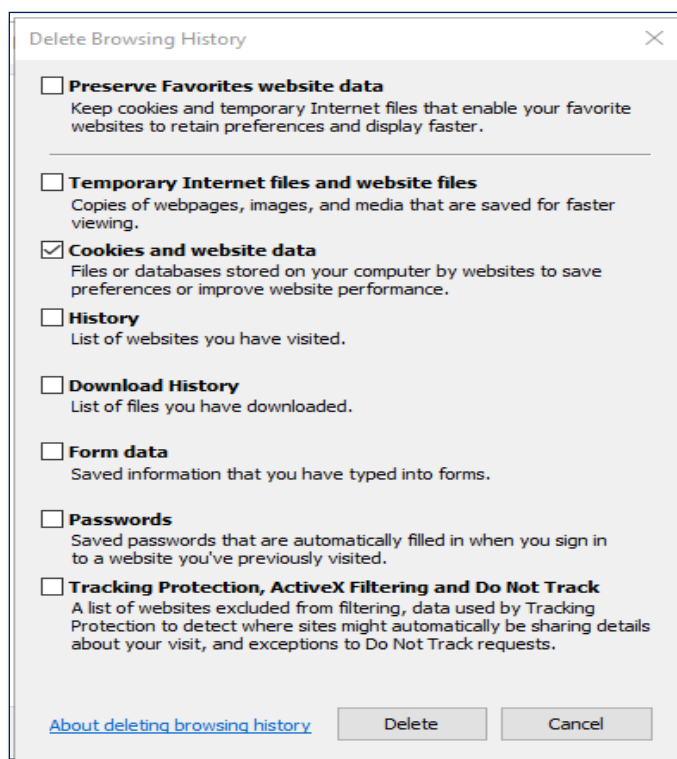


4. CM/ECF ASSISTANCE

CLEARING YOUR WEB BROWSER'S CACHE

It is a good idea to periodically clear your web browser's cache (browsing history). 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 because 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 when using CM/ECF, try clearing your web browser's cache. The following method works for all internet browsers:

- Log out of CM/ECF by clicking on **Logout** on the menu bar.
- Simultaneously hold down the **Ctrl + Shift + Delete** keys on your computer keyboard.
- The following window will open:



- Put a checkmark in the **Cookies and website data** checkbox.
- Click on **Delete**.
- Click on **OK**.

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. | Now that our district court is a NextGen CM/ECF court, you must log into CM/ECF using your PACER account. Your CurrentGen CM/ECF account login and password are obsolete. |
| | If you don't have a PACER account, register for one on the PACER Service Center website located at www.pacer.uscourts.gov . |
| | If you have a PACER account, but don't know your username and/or password, the PACER Service Center has username retrieval and password reset utilities available on its website located at www.pacer.uscourts.gov . |
| I can't file a document because the Civil or Criminal menus are missing on the CM/ECF menu bar. | You haven't linked your CurrentGen CM/ECF account to your PACER account. See the Link CM/ECF Account to My PACER Account section of this user manual. |
| | You don't have permission to e-file documents in this district court. Register for permission to e-file online at the PACER Service Center website located at www.pacer.uscourts.gov |
| 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 documents available on the district court's website. |
| | If you still don't know, call the Clerk's Office for assistance. |
| I'm having trouble locating the right event. | Try using the Search menu on the menu bar. |
| | If you're still having trouble, call the Clerk's Office for assistance. |
| I filed a document in the wrong case. | File a Notice of Filing Error and re-file the document in the correct case. See the DOCUMENTS E-FILED IN ERROR section of this user manual. |
| I filed the wrong document. | File a Notice of Filing Error and re-file the correct document. If the document which was filed in error should be sealed, immediately contact the Clerk's Office for direction on how to proceed. You may be directed to file a motion to seal. See the DOCUMENTS E-FILED IN ERROR section of this user manual. |

| Problem | Solution |
|--|--|
| 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 a NEF email. | If the NEF email is more than 15 days old, the link has expired and is no longer active. You must log into PACER to look at the document. |
| When I click on a document number hyperlink in a NEF email, instead of receiving a free look at the document, I am routed to PACER where I must 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 PACER access fees 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 inadvertently double-clicked on the hyperlink, you must pay a PACER access fee to look at the document. Do not double-click on the hyperlink. |
| | Only the first email recipient who accesses a restricted document on behalf of a particular authorized case participant will be able to access the document for free. See the ACCESSING RESTRICTED DOCUMENTS section of this user manual. |
| I can't view a restricted document from a hyperlink in a NEF email. | You must be logged into CM/ECF <u>before</u> you can access a restricted document from a NEF email. Log into CM/ECF before clicking on the hyperlink in the NEF email. See the ACCESSING RESTRICTED DOCUMENTS section of this user manual. |
| I can't view a restricted document from a hyperlink in a NEF email for free. | Someone else with access to the authorized case participant's login and password has already viewed the restricted document for free. Only the first person who looks at a restricted document on behalf of an authorized case participant can view the document for free. |
| I erroneously paid a filing fee using Pay.gov. | You must submit a written request for a refund. See the PAY.GOV section of this user manual. |

If you still have problems using CM/ECF, call the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual.

HELP DESK

The district court's CM/ECF Help Desk is available by telephone at the numbers listed below:

- 605-330-6600 – Sioux Falls from 8 a.m. and 5 p.m. Central Time
- 605-945-4600 – Pierre from 8 a.m. and 5 p.m. Central Time
- 605-399-6000 – Rapid City from 8 a.m. and 5 p.m. Mountain Time

You can also email the CM/ECF Help Desk for assistance at
SDD_cmecfhelp@sdd.uscourts.gov.

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

REVISION CONTROL LOG

| Date on Cover | Date Posted | Comments | By |
|---------------|-------------|---|-----|
| 12/08/15 | 12/09/15 | New manual | SST |
| 12/15/15 | 12/15/15 | Added Scanning, Best Practices section under Formatting PDF Documents for Filing section; added IMPORTANT notation at end of Filing Other Documents section. | SST |
| 2/18/16 | 2/22/16 | Added Motions for Departure or Variance section under the Sealed Documents section; updated the Restricted Documents section; added paragraph on sentencing memoranda under the Filing Other Documents section; added information on restricted notices of filing error under the Documents Filed in Error section. | SST |
| 3/25/16 | 3/25/16 | Added the first NOTE and revised the second NOTE under the Maintain Your E-Mail section; added Revision Control Log. Added "(or other court order)" to first sentence under Motions for Departure or Variance section. Made minor revisions to the Maintain Your Password section. Added last sentence to second paragraph under Exhibits and Attachments section. | SST |
| 1/27/17 | 1/27/17 | Added several new sections; renamed several old sections; deleted one section; significantly updated entire manual. Added information about filing sentencing memoranda, motions for departure, and motions for variance; transcripts, including public transcripts and restricted transcripts; NextGen; upgrading a PACER account; access level restrictions; requesting a refund of an erroneous Pay.gov payment; and getting the Search menu to function in IE. | SST |
| 1/30/17 | 1/31/17 | Added the second to last paragraph to the Motions to Seal and their Attachments section. Added the last two paragraphs to the Accessing Restricted Documents section. | SST |
| 2/1/17 | 2/2/17 | Removed last two sentences from the second to last paragraph of the Motions to Seal and their Attachments section. Added the third paragraph to the Events section. | SST |
| 4/7/17 | 4/7/17 | Modified format of IMPORTANT/REMINDER messages; modified format of citations to local rules; added Recommended Special Conditions to RESTRICTED DOCUMENTS and Presentence Reports and Bail Reports sections; changed name of Presentence Reports and Bail Reports section to Presentence Reports, Bail Reports, and Recommended Special Conditions section; modified format of phone numbers in Help Desk section; modified Step 2 of instructions for filing a document during multiple transactions in Size of PDF Documents section. | SST |
| 5/5/17 | 5/5/17 | Shaded the table in the Size of PDF Documents section; added bookmarks; corrected formatting beginning on page 24; modified the Accessing Restricted Documents section. | SST |
| 8/29/17 | 8/29/17 | Edited Access Level Restrictions, Accessing Restricted Documents, How to Convert a Document to PDF, Ex Parte Events, and Documents E-filed in Error sections. Substituted screen shots on page 46 and on top of page 57. | SST |
| 10/20/17 | 10/20/17 | Edited Introduction, Mandatory E-Filing, Registration and Training, Exhibit and Attachments, Sealed Docket Entries, Sealed Documents, and E-Filing Other Documents sections. Fixed some broken links. Substituted screen shots on page 44, 46, 55, and 56. | SST |
| 10/27/17 | 10/27/17 | Edited Events and Sealed Docket Entries sections. | SST |
| 1/1/2018 | 12/30/17 | Added Filing Civil Case Initiating Documents and Step-by-Step Guide for E-filing a Civil Complaint in a Shell Case sections, revised the Notice of Electronic Filing (NEF) E-mail and The NEF Receipt sections, and generally updated the entire manual. | SST |
| 1/8/18 | 1/8/18 | Updated Registration and Training, How to Convert a Document to PDF, Preparing to E-file in CM/ECF, Step-by-Step Guide for E-filing a Civil Complaint in a Shell Case, The NEF Receipt, Civil Cases, and Criminal Cases sections and general updates. | SST |
| 1/9/18 | 1/9/18 | Revised Step-by-Step Guide for E-filing a Civil Complaint in a Shell Case section. | SST |
| 1/18/18 | 1/22/18 | Replaced the screen shots on page 48 and at the top of page 49. | SST |
| 1/25/18 | 1/25/18 | Revised the Exceptions to Mandatory E-Filing, Documents Subject to a Protective Order – Attachments, and Step-by-Step Guide for E-filing a Civil Complaint in a Shell Case sections. | SST |
| 2/7/18 | 2/7/18 | Revised the Exceptions to Mandatory E-Filing, Documents Subject to a Protective Order – Main Document, Documents Subject to a Protective Order – Attachments, and Ex Parte Documents sections. Added Notices of Withdrawal and Substitution of Attorney (filed in criminal cases) section. | SST |
| 2/13/18 | 2/13/18 | Revised the Mandatory E-Filing, Exceptions to Mandatory E-Filing Service of Documents, Notices of Withdrawal and Substitution of Attorney (filed in criminal cases) and Exhibits and Other Attachments sections. Substituted screen shots on pages 68 and 79. | SST |
| 2/15/18 | 2/15/18 | Revised the Mandatory E-Filing, Registration and Training, Filing Civil Case Initiating Documents, and Step-By-Step Guide for E-Filing a Civil Complaint in a Shell Case sections. | SST |
| 4/20/18 | 4/20/18 | Revised the Notice of Electronic Filing (NEF) E-Mail, E-filing Civil Case Initiating Documents, Sealed Docket Entries, Sealed Documents, Step-By-Step Guide for E-Filing a Civil Complaint in a Shell Case, The NEF Receipt, and Documents E-Filed in Error sections. Renamed the Filing Civil Case Initiating Documents section. Other general updates. | SST |
| 4/27/18 | 4/27/18 | Renamed The NEF Receipt, Documents Subject to a Protective Order – Document and Documents Subject to a Protective Order – Attachment sections. Other general updates. | SST |
| 5/1/18 | 5/2/18 | General updates. | SST |

| Date Posted | Comments | By |
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| 7/16/18 | Revised the Introduction, Hardware and Software Requirements, Service of Documents, PACER, Ex Parte Documents, Maintain Your Account, Maintain Your E-Mail, and Maintain Your Password sections. | SST |
| 8/16/18 | Revised the Size of PDF Documents and the Redacting Documents section. Other general updates. | SST |
| 8/21/18 | Revised the PACER section. General updates. | SST |
| 9/10/18 | Revised Redacting Documents and Unredacted Documents sections. | SST |
| 1/2/19 | Revised the Size of PDF Documents, Pay.gov, E-Filing Case Initiating Documents, Ex Parte Documents, Step-By-Step Guide for E-Filing a Civil Complaint in a Shell Case, Step-By-Step Guide for E-Filing a Motion in a Civil Case, Step-By-Step Guide for E-Filing a Motion in a Criminal Case sections | SST |
| 4/4/19 | Revised the Size of PDF Documents, Exhibits and Other Attachments, Redacting Documents, Sealed Docket Entries, Step-By-Step Guide for E-Filing a Civil Complaint in a Shell Case, Step-By-Step Guide for E-Filing a Motion in a Civil Case, Step-By-Step Guide for E-Filing a Motion in a Criminal Case, and Help Desk sections | SST |
| 10/25/19 | Revised Mandatory E-Filing, Signatures, Step-By-Step Guide for E-Filing a Civil Complaint in a Shell Case, Step-By-Step Guide for E-Filing a Motion in a Civil Case, and Step-By-Step Guide for E-Filing a Motion in a Criminal Case sections. Corrected CM/ECF e-mail address link in Help Desk section. | SST |
| 11/14/19 | Revised Notice of Electronic Filing (NEF) E-Mail and Maintain Your E-mail sections. | SST |
| 11/21/19 | Revised E-Filing Civil Case Initiating Documents and the Step-By-Step Guide for Filing in a Shell Case sections. | SST |
| 1/6/20 | Revised Pacer and Step-By-Step Guide for Filing a Civil Complaint in a Shell Case sections. | SST |
| 2/10/20 | Revised Introduction, Pay.gov and Step-By-Step Guide for Filing a Civil Complaint in a Shell Case sections. | SST |
| 4/17/20 | Revised Size of PDF Documents, Exhibits, Redacting Documents, Unredacted Documents, Written Opinions, Transcripts, Step-By-Step Guide for Filing a Civil Complaint in a Shell Case, Step-By-Step Guide for Filing a Motion in a Civil Case, Step-By-Step Guide for Filing a Motion in a Criminal Case sections, Query Menu, and Reports menu sections. Added Trial and Hearing Exhibits, Links to Other Courts, PACER Case Location (National Index) and Change PACER Exemption Status, Setting a Default PACER Login in CM/ECF and Using the Toggle Feature to Change PACER Exemption Status sections. Other general updates. | SST |
| 5/11/20 | Fixed link for Restricted Docket Entries; Revised Restricted Docket Entries and Sealed Docket Entries sections. | SST |
| 6/18/20 | Revised E-Filing Case Initiating Documents, Trial and Hearing Exhibits, and Step-By-Step Guide for E-Filing a Civil Complaint in a Shell Case sections | SST |
| 9/25/20 | Revised the PACER, Hyperlinks, Case Restrictions, and Social Security Appeal and Immigration Cases, and Maintain Your Password sections. Other general updates. | SST |
| 12/21/20 | Revised the Introduction, Socieal Security Appeal and Immigration Cases, Maintain Your Account, Maintain Your Password, and Clearing Your Web Browser's Cache sections. | SST |
| 7/9/21 | Made substantial updates related to transition from CurrentGen CM/ECF to NextGen CM/ECF. Added two sections under Registration and Training. Added two sections under FormatingPDF Documents for E-filing. Added the NextGen CM/ECF and Central Sign-On and Maintain Your Login/Password sections. Changed the Logging into CM/ECF section to the Logging into CM/ECF Through PACER section. Added four sections under Maintain Your Account. Removed the Maintain Your Password, Links to Other Courts, and PACER Case Locator (National Index) sections. Added Maintain you Login/Password section. Removed two sections under Change PACER Exemption Status section. Added Link CM/ECF Account to My PACER Account section. Removed Show PACER Account and Remove Default PACER Account sections. Made user manual gender neutral. Other general updates. | SST |
| 7/20/21 | Added another exception to mandatory e-filing. General updates and one correction under Utilities Menu section. | SST |
| 12/8/22 | Updated all local rule references to match 2022 local rule revisions and updates; removed all references to outdated Standing Orders; revised Trial and Hearing Exhibits to match updated procedures and local rules; updated CM/ECF release versions; corrected punctuation to include one space after periods, colons, etc.; removed duplicative text boxes throughout manual. | CLR |
| 3/13/23 | Updated NextGen version information.Corrected Case citation on paage 27 regarding signatures.Updated sealed events and sealed events with case participant access. Removed duplicative screen-shots. | CLR |
| 3/29/2023 | Moved Sealed Statement of Factual Basis event on page 37 to list of sealed events with applicable case access. | CLR |