

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

IN THE MATTER OF PROCEDURES)	
FOR THE FILING OF NON-PUBLIC)	STANDING ORDER 25-02
DOCUMENTS IN CRIMINAL CASES)	

Recent cyberattacks directed at public and private sector computer systems have necessitated additional steps to better secure sealed, restricted, and ex parte filings (non-public documents) in criminal cases within our case management system. Public users will continue to have direct access to this Court's electronic filing system through Public Access to Court Electronic Records (PACER) and Case Management/Electronic Case Files (CM/ECF); this change is only to better protect non-public documents.

This Standing Order does not change the criteria that permit a document to be filed non-publicly, but only changes the process for filing a non-public document. As contemplated by Federal Rules of Civil Procedure 5(d) and Federal Rule of Criminal Procedure 49(b), the Court finds that "good cause" exists to adopt this updated filing procedure. Therefore, it is

ORDERED that, effective as of the date of this Standing Order and until such time as the Court orders otherwise, non-public documents may no longer be filed in criminal cases in CM/ECF. If counsel or a party wish to file non-public documents and are authorized to do so under court rules, practice, or procedure, they must deliver such documents to the Clerk's Office for processing. Non-public documents may be filed in person at the Clerk's Office or via U.S. mail, but not via email. It is further

ORDERED that under the new process, the Clerk's Office will docket non-public documents using existing CM/ECF events and entry restrictions but will attach a placeholder. A Notice of Electronic Filing (NEF) will still generate, but there will be no hyperlinked document in the NEF notification or in CM/ECF, only the placeholder. Where service of the non-public document is required, the party must serve the document in a secure and timely manner. It is finally

ORDERED that to the extent that any prior Court orders, procedures, or rules conflict with this Standing Order, they are superseded. This Standing Order is controlling.

Dated this 7th day of August 2025.

BY THE COURT:



ROBERTO A. LANGE
CHIEF JUDGE