

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

IN RE: PROCEDURES FOR THE FILING, SERVICE, AND MANAGEMENT OF HIGHLY SENSITIVE DOCUMENTS))))	(AMENDED) STANDING ORDER 18
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WHEREAS, in order to provide additional security procedures to protect highly sensitive documents filed with the courts;

THE COURT FINDS that, pursuant to [Federal Rule of Civil Procedure 5\(d\)\(3\)\(A\)](#) and [Federal Rule of Criminal Procedure 49\(b\)\(3\)\(A\)](#), good cause exists to allow parties to file certain highly sensitive documents outside of the court’s electronic filing system (CM/ECF).

THEREFORE, IT IS HEREBY ORDERED that, effective as of the date of this Order and until such time as the court orders otherwise, the filing of certain highly sensitive documents shall be subject to the procedures and requirements set forth below. This Order supersedes any and all inconsistent provisions in existing local rules or other Standing Orders of this court.

1. Documents Subject to this Order

The filing procedures set forth below apply to documents that contain highly sensitive information.

- a. The following types of documents are deemed highly sensitive documents (HSDs) while under seal: applications for search and seizure warrants relating to national security criminal investigations, applications for electronic surveillance under 18 U.S.C. § 2518, applications for an order for a pen register or trap and trace device under 18 U.S.C. § 3122, applications for an order for disclosure of customer communications or records under 18 U.S.C. § 2703, applications for an order directing assistance in the installation and use of a stationary camera, and all orders and warrants granting, authorizing, or denying the aforementioned documents, and criminal complaints.

- b. The following types of sealed documents generally are not considered HSDs, absent a specific showing that the highly sensitive nature of the material requires a level of security greater than that provided through sealing in CM/ECF: presentence reports, pretrial release reports, pleadings related to cooperation in most criminal cases, social security records, and sealed filings in civil cases.

- c. Any dispute as to whether a document is an HSD shall be resolved by the presiding judge or, when no presiding judge is assigned, the chief judge.

2. Filing of Highly Sensitive Documents or Cases

- a. Documents listed above under Paragraph 1(a) should be submitted to the court under the ordinary procedures, and will be maintained by the Clerk's Office outside of the court's electronic-filing system while under seal.
- b. For all other documents or cases, including those listed in Paragraph 1(b), if the filing party seeks to file a document or case outside of the court's electronic-filing system, the filing party should establish the need for sealing under the Local Rules, as applicable, and in addition, should file a "Motion to Treat Document or Case as Highly Sensitive," using existing procedures, except that a copy of the proposed highly sensitive material shall not be filed electronically. The motion must explain why the highly sensitive nature of the material requires a level of security greater than that provided through sealing in CM/ECF.
 - i. As soon as practicable after the motion is filed, the filing party shall deliver to the Clerk's Office two paper copies of the highly sensitive material sought to be filed along with a certificate of service. The documents, unfolded, shall be submitted to the Clerk's Office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The outside of the envelope shall be affixed with a copy of the caption page (with confidential information redacted).
 - ii. The filing party shall serve the HSD on the other parties as follows:
 - 1. Civil cases - by any manner specified in [Federal Rule of Civil Procedure 5\(b\)\(2\)](#), except for service via the court's electronic filing system; or
 - 2. Criminal cases - by any manner specified in [Federal Rule of Criminal Procedure 49\(a\)\(3\)\(B\) or \(a\)\(4\)](#).
- c. The Clerk's Office will make a docket entry in the court's electronic filing system indicating that the HSD was filed with the court and will maintain the HSD in a secure paper filing system pending further order of the court.

3. Service of Highly Sensitive Court Orders

If the court determines that a court order contains highly sensitive information, the Clerk's Office will file and maintain the order in a secure paper filing system and will serve paper copies of the order on the parties via mail.

4. Removal of Existing HSDs or Highly Sensitive Cases from the Court's Electronic Filing System

- a. For previously-filed documents in Paragraph 1(a) that the court has already determined should be sealed under the applicable legal standards and which require removal from the electronic-filing system in order to give effect to the court's prior sealing order, the Clerk's Office is directed to maintain any such designated documents in a secure manner, specifically, in hard copy and/or in a digital system not connected to the network or internet.
 - i. To designate a specific document under this Order, the United States Attorney's Office must provide the Clerk's Office with a complete hard copy of the document (which generally should be printed from the CM/ECF system to ensure completeness), along with the corresponding document number. Upon receipt of such designation, the Clerk's Office will maintain the hard copy of the document and will remove the designated document from the CM/ECF system, leaving the document number and docket entry and adding a notation that the document is maintained in the Clerk's Office.
- b. For all other cases or documents filed on the court's electronic-filing system under seal, upon motion of a party or upon its own motion, the court may determine that a document, case, or any portion of it that has been filed electronically is highly sensitive and direct that the HSD or case be removed from the court's electronic filing system and maintained by the Clerk's Office in a secure paper filing system.
- c. A party's motion to remove an HSD or highly sensitive case from the court's electronic filing system must explain why the highly sensitive nature of the material requires a level of security greater than that provided through sealing in CM/ECF. In addition, the party filing such a motion must provide the Clerk's Office with a complete hard copy of the documents to be removed (which generally should be printed from the CM/ECF system to ensure completeness), along with the corresponding document number.

- d. If any approved HSD is unsealed by the court or any case deemed no longer highly sensitive, such document(s) or case shall thereafter no longer be treated as highly sensitive.

5. Questions about HSD Filing Procedures

Any questions about how an HSD should be filed with the court pursuant to this General Order should be directed to the Clerk's Office at 336-332-6000.

This the 27th day of May, 2021.

/s/ Thomas D. Schroeder
Chief Judge
FOR THE COURT