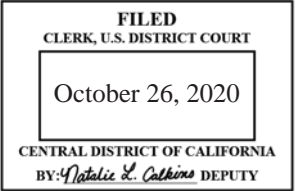


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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF )  
CRIMINAL DUTY MATTERS ) GENERAL ORDER NO. 20-13  
ELECTRONIC FILING PILOT )  
PROJECT )

The Local Rules for the Central District of California provide that, subject to certain exceptions, all documents filed in civil and criminal cases must be filed electronically using the Court’s Case Management/Electronic Case Filing (“CM/ECF”) System. L.R. 5-4.1, L.Cr.R. 49-1.1. One of the exceptions is for documents filed in “criminal duty matters,” which must be presented to the Clerk for filing in paper format. L.Cr.R. 49-1.2(b)(4). Having determined that it would benefit the Court, the bar, and the public to allow electronic filing of documents in criminal duty matters, the Court has previously established a pilot project known as the Criminal Duty Matters Electronic Filing Pilot Project (“Pilot Project”), currently codified in General Order 19-01. General Order 19-01 directs that many of the criminal duty matters handled by the magistrate judges of this district must, notwithstanding Local Rule 49-1.2(b)(4), be filed electronically through the Court’s CM/ECF System.

The instant General Order, effective seven days after its filing, will supplement General Order 19-01. Under this General Order, documents relating to all criminal duty matters filed by the United States Attorney’s Office and handled by the district

1 judges of this district must be filed electronically. It is anticipated that electronic filing  
2 will be expanded to additional criminal duty matters in the future by either General  
3 Order or Local Rule of this Court.

#### 4 **I. CRIMINAL DUTY MATTERS DESIGNATED FOR PILOT PROJECT**

5 In general, “criminal duty” encompasses all requests for court action regarding  
6 criminal matters that either are not filed as part of any docketed criminal case or are  
7 submitted before the filing of an indictment or information. In the Central District,  
8 many such matters have been referred to the magistrate judges of this Court by General  
9 Order 05-07. For purposes of this General Order, criminal duty matters not referred to  
10 the magistrate judges by General Order 05-07 will be referred to as “District Judge  
11 Criminal Duty Matters.”<sup>1</sup> This General Order creates an exception to Local Criminal  
12 Rule 49-1.2(b)(4) for all District Judge Criminal Duty Matters filed by the United  
13 States Attorney’s Office (“USAO”). District Judge Criminal Duty Matters not filed by  
14 the USAO remain subject to Local Criminal Rule 49-1.2(b)(4) and, if filed with the  
15 Court, must be presented to the Clerk for filing in paper format unless otherwise  
16 directed.

#### 17 **II. PROCEDURES FOR FILING DOCUMENTS ELECTRONICALLY** 18 **UNDER THE PILOT PROJECT**

19 The provisions that follow govern electronic filing in all District Judge Criminal  
20 Duty Matters filed by the United States Attorney’s Office. Filers should also refer to  
21 the Criminal Duty Matters Electronic Filing Pilot Project User Manuals available on  
22 the Court’s website for more details and step-by-step instructions.

##### 23 **A. Participating Filers**

24 The CM/ECF events needed to file documents electronically under this General  
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26 <sup>1</sup> See Appendix A to General Order 19-01 for a non-exhaustive list of common  
27 criminal duty matters that fall within General Order 05-07’s referral to the magistrate  
28 judges of this district and a list of common criminal duty matters that fall outside the  
scope of that referral.

1 Order will not be accessible to most users of CM/ECF. CM/ECF users previously  
2 designated as “Participating Filers” under the Pilot Project will have access to the  
3 events required to file documents under this General Order. To designate new users as  
4 Participating Filers, the USAO must give at least one court day’s advance notice to the  
5 Clerk’s Office. Only the United States Attorney and Assistant United States Attorneys  
6 may be designated as Participating Filers. CM/ECF users not designated as  
7 Participating Filers will not be able to file documents under the Pilot Project.

8 **B. Commencement of Criminal Duty Matter and Assignment of Case**  
9 **Number**

10 To submit a criminal duty matter for review by a United States District Judge  
11 under this General Order, a Participating Filer must first open a new criminal duty  
12 matter case in the Court’s CM/ECF System. This creates the docket in CM/ECF in  
13 which the relevant documents will be filed. A criminal duty matter opened  
14 electronically in the CM/ECF System by a Participating Filer under this General Order  
15 will be issued a “CM” case number and will initially be given a generic name, such as  
16 “U.S. v. Criminal Duty Matter.” After creating the case docket and obtaining a case  
17 number, the filer must add that case number to the caption of each document filed in  
18 that case.

19 **C. Filing Initial Document**

20 After creating the docket and obtaining a case number, the filer must file the  
21 document to be reviewed by the Court, using one of the four CM/ECF events provided:  
22 (1) Notice of Grand Jury Empanelment; (2) Stipulation to Extend Time to File  
23 Forfeiture Complaint; (3) Application for Leave of Court to Practice Under LR 83-  
24 2.1.4.1; and (4) Application re District Judge Criminal Duty Matter. Everything that  
25 does not clearly fall within one of the first three, narrowly tailored events must be filed  
26 using the generic, “Application re District Judge Criminal Duty Matter” event. If the  
27 document does not relate to any previously filed duty matter, the filer is not required to  
28 file a CR-15 (Notice to District Court of Related Criminal Duty Filing).

1                   **1.     Notice of Grand Jury Empanelment**

2                   When a new grand jury is empaneled, a Notice of Grand Jury Empanelment  
3 must be electronically filed as docket number one (Dkt. No. 1) in the case. The Notice  
4 and the text of the docket entry will automatically be sealed upon filing.<sup>2</sup> A separate  
5 Application for Leave to File Under Seal is not necessary. The case will be directly  
6 assigned to the Chief Judge. All subsequent documents relating to this grand jury,  
7 such as orders appointing the foreperson, excusing jurors and appointing alternates,  
8 and orders of discharge, must be filed in the same case. The filer of any such  
9 subsequent document is not required to file a CR-15 (Notice to District Court of  
10 Related Criminal Duty Filing).

11                   **2.     Stipulation to Extend Time to File Forfeiture Complaint**

12                   A Stipulation to Extend the Civil Forfeiture Complaint Filing Deadline must be  
13 electronically filed as docket number one (Dkt. No. 1) in the case, with a Proposed  
14 Order lodged as an attachment to the Stipulation. Neither the case nor the Stipulation  
15 will be filed under seal. The case will be assigned to one of the criminal duty judges  
16 on duty under General Order 19-03, § I.A.3.

17                   **3.     Application for Leave of Court to Practice Under Local Rule**  
18                   **83-2.1.4.1**

19                   An Application for Leave of Court to Practice Under Local Rule 83-2.1.4.1 must  
20 be electronically filed as docket number one (Dkt. No. 1) in the case, with a Proposed  
21 Order lodged as an attachment to the Application. Neither the case nor the Application  
22 will be filed under seal. The case will be directly assigned to the Chief Judge.  
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26                   <sup>2</sup> For a brief time immediately after filing the Notice, the filer may not be able to  
27 view the sealed documents. Shortly after the criminal duty matter is opened, Clerk's  
28 Office staff will edit the default settings for the case in CM/ECF to seal the entire case  
and to allow the filer to view the case and all sealed documents filed therein.

1                   **4. All Other Criminal Duty Matters Designated for the Pilot**  
2                   **Project**

3                   For all other types of criminal duty matters to be reviewed by a district judge,  
4 file an Application detailing the relief sought as docket number one (Dkt. No. 1) and  
5 lodge a Proposed Order as an attachment to the Application. The Application, all  
6 attachments to the Application, and the text of the docket entry will automatically be  
7 sealed upon filing;<sup>3</sup> however, leave of court must be sought if the filer believes that  
8 documents filed in the case should remain under seal after the Proposed Order has  
9 been signed. Leave of court may be sought either in the main Application itself or as a  
10 separate Application for Leave to File Under Seal, electronically filed as docket  
11 number two (Dkt. No. 2) in the case with a Proposed Order attached. The case will be  
12 assigned to one of the criminal duty judges on duty under General Order 19-03,  
13 § I.A.3.

14                   **D. Notice to Duty Judge**

15                   After an initial Application, Stipulation, or Notice has been filed electronically  
16 under Section II.C., Clerk's Office staff will provide notice to the appropriate district  
17 judge. The filer does not need to provide notice unless the matter is urgent and is filed  
18 outside normal business hours, in which case the filer should follow the Court's  
19 emergency filing procedures, set forth in Local Rule 77-1.

20                   **E. Default Procedures to Obtain Ruling on Application**

21                   In general, filers should anticipate that no personal appearance will be  
22 necessary. The judge will usually rule on the Application based on the electronically  
23 filed documents. The filer will be notified by the judge's staff if an appearance is  
24 necessary.

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26                   <sup>3</sup> For a brief time immediately after filing the Notice, the filer may not be able to  
27 view the sealed documents. Shortly after the criminal duty matter is opened, Clerk's  
28 Office staff will edit the default settings for the case in CM/ECF to seal the entire case  
and to allow the filer to view the case and all sealed documents filed therein.

1           **F.    Ruling on Application**

2                   **1.    If Application Granted**

3                   If the Application is granted, an order will be filed, and the filer will receive a  
4 Notice of Electronic Filing from the Court’s CM/ECF System.

5                   **2.    If Application Denied**

6                   If the Application is denied, with or without prejudice, a docket entry to that  
7 effect will be entered, and the filer will be notified of the result electronically by  
8 receiving a Notice of Electronic Filing from the Court’s CM/ECF System. If the  
9 Application is denied with instructions by the reviewing judge to file an Amended  
10 Application, the Amended Application should be filed under the case number of the  
11 original Application.

12           **G.    Subsequent Documents**

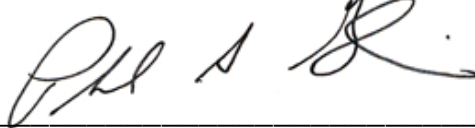
13                   Any subsequent documents related to the original filing should generally be  
14 electronically filed in the same case. When electronically filed in the same case, the  
15 filer is not required to provide any additional notice to the assigned judge and is not  
16 required to file a CR-15 (Notice to District Court of Related Criminal Duty Filing).

17                   If it becomes necessary to file a subsequent document electronically in a case to  
18 which the assigned Participating Filer does not have e-filing access, the Participating  
19 Filer should contact the Clerk’s Office to request that e-filing access to the case be  
20 granted.

21           **H.    Application of Other Rules**

22                   Except as noted with respect to Local Criminal Rule 49-1.2(b)(4), all federal and  
23 local rules continue to apply to documents filed under this General Order.

24           IT IS SO ORDERED.



25 \_\_\_\_\_  
26 CHIEF UNITED STATES DISTRICT JUDGE

27           *Date of Approval by the Court:*       August 28, 2020

28           *Date of Filing by the Clerk:*        October 26, 2020