

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF:	)	
	)	GENERAL ORDER No. <u>10-07</u>
ORDER AUTHORIZING	)	
ELECTRONIC FILING	)	(Supersedes General Order
	)	Nos. 08-02 and 08-11)
_____	)	

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**I. Authorization.**

Pursuant to Federal Rules of Civil Procedure 5(d)(2)(3) and 83, the court hereby authorizes and establishes operating rules for the electronic filing of pleadings and papers.

**A. Applicability of Other Rules and Orders.** Unless modified by the assigned judge, all Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, Local Rules, and Orders of the court shall continue to apply to cases that are subject to electronic filing.

**B. Cases Subject to Electronic Filing.** Except as specifically provided for in this General Order, all civil and criminal cases are subject to electronic filing.

**II. Definitions.**

The following definitions shall apply to these rules regarding electronic filing:

**A.** “CM/ECF System” refers to the automated Case Management/Electronic Case Filing system implemented by the court. The CM/ECF system stores case files in a database, and documents are filed electronically, to the extent possible. The CM/ECF system is available at <https://ecf.cacd.uscourts.gov>.

**B.** “CM/ECF Website” refers to the court’s CM/ECF website that

provides pertinent information regarding the CM/ECF system. The CM/ECF website is available at [www.cacd.uscourts.gov/cmecf](http://www.cacd.uscourts.gov/cmecf).

**C.** “CM/ECF Registration” refers to registering with the United States District Court, Central District of California, to file documents electronically through the CM/ECF system. Registration is completed on-line through the CM/ECF website. Upon the completion of CM/ECF Registration, a CM/ECF login and password is provided.

**D.** “CM/ECF User” is a person who is registered to file in the CM/ECF system.

**E.** “Electronic Filing” refers to the process of logging on the CM/ECF system and completing a transaction that includes the uploading of the document(s) to be filed. **Sending a document by e-mail does not constitute an electronic filing.**

**F.** “Electronic Signature” refers to the signature of an electronically filed document based on: (1) the CM/ECF User’s login and password and (2) the person’s representative signature, “/S/ – Name,” or a digitized personalized signature or facsimile signature on the signature line of the document.

**G.** “E-Mail Address of Record” refers to the primary e-mail address for each CM/ECF User as indicated on the docket, and is used for electronic service.

**H.** “Electronic Post Office Box” identifies a storage area in the CM/ECF User’s computer system.

**I.** “Notice of Electronic Filing” (NEF) is a notice automatically generated by the CM/ECF system at the time a document is electronically filed. The NEF will set forth the time of filing, the name of the parties and attorney(s) filing the document, the type of document, the text of the docket entry, the name of parties and/or attorney(s) receiving the NEF, and a hyperlink to the filed document that allows recipients to retrieve the document automatically. The NEF also includes the name of any CM/ECF users who do not receive electronic service.

**J.** “Electronic Service” refers to transmission of the NEF. Service by this electronic NEF constitutes service pursuant to the Federal Rules of Civil and Criminal Procedure for all CM/ECF Users.

**K.** “Generic Chambers E-Mail Box” refers to the e-mail box assigned to each judicial officer to be used exclusively for transmission of proposed documents via e-mail. E-mailing proposed documents is available through the CM/ECF system.

**L.** “Intake E-Mail Box” refers to the e-mail box assigned to the intake department of the Clerk’s Office in the Western, Southern and Eastern Divisions of the court to be used exclusively for transmission of e-mailed documents as specified



in this General Order. The intake e-mail box addresses are available on the CM/ECF website.

**M.** All hours stated shall be Pacific Standard Time or Pacific Daylight Time, whichever is in effect at the time.

**N.** All days are calculated according to the provisions of the Federal Rules of Civil and Criminal Procedure.

**O.** “PACER” is the Federal Judiciary’s system for Public Access to Court Electronic Records. A PACER account is necessary for retrieving documents from the CM/ECF system. Individuals may register for a PACER account by visiting the PACER Service Center’s website at <http://pacer.psc.uscourts.gov>.

**P.** Procedures and instructions for using the court’s CM/ECF system to implement these rules may be found on the CM/ECF website along with other important information.

**Q.** “PDF” refers to Portable Document Format, a specific computer file format that is the only format in which a document may be electronically filed. Information about PDF may be found on the CM/ECF website.

**R.** “Notice of CM/ECF Unavailability” refers to a Public Notice from the Clerk regarding scheduled maintenance or other issues that make the CM/ECF system unavailable to the CM/ECF Users. Such Notices are placed on the CM/ECF

website.

**S.** “Mandatory Chambers Copy” refers to an exact duplicate of an electronically filed document submitted in paper format, together with an attached NEF.

**T.** “Traditional Filing” refers to the filing of a document in paper format.

**U.** “Traditional Service” refers to service other than electronic service as authorized by the Federal Rules of Civil and Criminal Procedure.

### **III. Maintenance of Personal Contact Information.**

**A. Obligation to Maintain Personal Contact Information.** CM/ECF Users are required to maintain and update their personal contact account information, including name, law firm or agency, firm address, telephone number, facsimile number, and e-mail address(es) in the CM/ECF system.

**B. Obligation to Notify Court of Change of Personal Contact Information.** In accordance with Local Rule 83-2.7, attorneys must notify the Clerk within five (5) days of any change in their name, law firm or agency, firm address, telephone number, facsimile number or e-mail address. In any pending action in which a CM/ECF user is not receiving electronic service, that CM/ECF user shall file and serve a copy of the notice upon all parties.

**C. Obligation to Maintain Electronic Post Office Box.** CM/ECF Users

who have consented to electronic service shall be responsible for ensuring their electronic post office boxes are adequate to handle all documents that will be sent electronically by making certain that: (1) their e-mail service provider does not limit the size of attachments, and (2) the court's NEF transmissions are not blocked.

#### **IV. Electronic Filing.**

**A. Generally.** In all cases subject to electronic filing, all documents required to be filed with the Clerk shall be filed electronically in the CM/ECF system.

**B. Authorizing Use of Login and Password by Others to Electronically File Documents.** A CM/ECF User may authorize another person to file a document using his or her login and password. However, the CM/ECF User shall be responsible for any document so filed. If, at any time, a CM/ECF User believes that the security of his or her password has been compromised, the CM/ECF User shall immediately notify the court's CM/ECF Help Desk by e-mail or telephone as posted on the CM/ECF website. It is the responsibility of the CM/ECF user to change their login and/or password, as instructed on the Court's CM/ECF website.

**C. Format.** Documents filed electronically must be submitted in PDF format to permit text searches and to facilitate transmission and retrieval. Before

any documents are electronically filed, the CM/ECF User shall convert the documents to PDF format. Electronically filed documents may not be scanned, except as provided in this General Order.

**D. Mandatory Chambers Copies.** Unless otherwise ordered by the assigned judge, mandatory chambers copies of all electronically filed documents must be delivered to the chambers of the assigned judge no later than 12:00 noon the following business day. The mandatory chambers copies must comply with Local Rule 11-3, i.e., blue backed, font size, page numbering, tabbed exhibits, etc., or as otherwise directed by the assigned judge. The mandatory chambers copy must be prominently labeled MANDATORY CHAMBERS COPY on the face page. The mandatory chambers copy must include the NEF as the last page of the document. The court's CM/ECF website contains additional instructions by judges for delivery of mandatory chambers copies.

**E. Obligation to Protect Sensitive and Private Information.** The parties shall refrain from including, and/or shall redact where inclusion is necessary, the following personal data identifiers from all documents filed with the Clerk.

- 1. Social Security Numbers:** If an individual's Social Security Number must be included in a document, only the last four digits of that number shall be used.

2. **Taxpayer Identification Numbers:** If a taxpayer identification number must be included in a document, only the last four digits of that number shall be used.
3. **Names of Minor Children:** If the involvement of a minor child must be mentioned, only the initials of that child shall be used.
4. **Dates of Birth:** If an individual's date of birth must be included in a document, only the year shall be used.
5. **Financial Account Numbers:** If financial account numbers are relevant, identify the name or type of account and the financial institution where maintained, and only indicate the last four digits of the account number.
6. **Home Address:** If a home address must be included, only the city and state shall be used.
7. **Additional Information:** For good cause, the assigned judge may require redaction of additional information.

**F. Exemptions From the Redaction Requirement.** The redaction requirement shall not apply to the following:

1. A financial account number that identifies the property allegedly subject to forfeiture in a forfeiture proceeding.

2. The record of an administrative or agency proceeding.
3. The official record of a state court proceeding.
4. The record of a court or tribunal, if that record was not subject to the redaction requirement when originally filed.
5. A pro se filing in an action brought under 28 U.S.C. §§ 2241, 2254 or 2255.

**G. Filing Documents With Sensitive and Private Information.** The filer who files a document referring to personal data identifiers as listed in Section E above shall: (1) electronically file a redacted version of the document excluding the personal data identifiers; **or** (2) electronically file a redacted version of the document with unique identifiers (e.g., 1, 2, 3 or A, B, C) used in place of the personal data identifiers, along with a reference list, traditionally filed under seal, indicating the complete personal data identifiers and unique identifiers used in their place.

The filer shall carefully examine the documents, exhibits or attachments to be electronically filed in order to protect the clients' sensitive and private information. The responsibility for redacting or placing under seal these personal data identifiers rests solely with the filer. The Clerk will not review any pleadings or documents for compliance with this Section of this General Order.

The filer is cautioned that failure to redact or place under seal these personal data identifiers may subject them to the full disciplinary power of the court. If a redacted version of the document is filed, the filer shall maintain the unredacted document in their possession pending further order of the assigned judge or resolution of the action (including the appeal, if any) and shall, at the request of opposing counsel or parties, provide a copy of the complete document.

**H. Waiver of Protection of Personal Data Identifiers.** A party waives his or her right to the protection of Sections IV.E and G by filing documents that include his or her own personal data identifiers without redaction.

**I. Hyperlinks.** Hyperlinks to other documents, websites, source documents, or citations are not permitted.

**J. Deadlines.** Filing documents electronically does not alter any filing deadlines. Unless otherwise ordered by the assigned judge, all electronic transmissions of documents must be completed (i.e., received completely by the Clerk's Office) prior to midnight Pacific Standard Time or Pacific Daylight Time, whichever is in effect at the time, in order to be considered timely filed on that day. Where a specific time of day deadline is set by court order or stipulation, the electronic filing shall be completed by that time.

**K. Notice of Discrepancies For Electronically Filed Documents.** The Clerk's Office may notify CM/ECF Users of discrepancies found in electronically filed documents by a discrepancy notice. In response to this notice, the assigned judge may order: (1) an amended or corrected document to be filed, (2) the document stricken, or (3) other action as the assigned judge deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so.

**L. Correcting Errors in E-Filed Documents.** Clerk's Office staff are prohibited from making changes, or corrections, to documents after they have been filed. If an error is discovered, the CM/ECF User should notify the CM/ECF Help Desk of the error by e-mail or telephone as posted on the CM/ECF website. The court will notify the filing party if the document needs to be refiled.

**M. Technical Failures.** If a CM/ECF User is unable to electronically file a document, the CM/ECF User must immediately contact the CM/ECF Help Desk by e-mail or telephone as posted on the CM/ECF website if a "Notice of CM/ECF Unavailability" has not been posted on the CM/ECF website. The CM/ECF User shall then attempt to file the document electronically at least two times, separated by at least one hour. If, after at least two attempts, the CM/ECF User cannot electronically file the document, the document will be accepted for



traditional filing that same day, if time permits, or it will be accepted for electronic filing the next business day. Such delayed filing shall be accompanied by a declaration or affidavit setting forth the facts of the CM/ECF User's failed attempts to file electronically. A history of technical failures lasting longer than one hour will be posted on the CM/ECF website.

**N. Docket.** Except as otherwise provided in this General Order, the acceptance by the Clerk of a document electronically filed shall constitute entry of that pleading or other paper on the docket maintained by the Clerk under Federal Rules of Civil Procedure 58, 77 and 79 and Federal Rules of Criminal Procedure 55.

**O. Certification of Electronic Documents.** Pursuant to Federal Rules of Civil Procedure 44(a)(1) and 44(c), the method of electronic certification described herein is deemed proof of an official court record maintained by the Clerk of Court. The NEF contains the date of electronic distribution and identification of the United States District Court for the Central District of California as the sender. An encrypted verification code appears in the electronic document stamp section of the NEF. The electronic document stamp shall be used for the purpose of confirming the authenticity of the transmission and associated document(s) with the Clerk of Court, as necessary. When a document has been electronically filed into CM/ECF, the official record is the electronic recording of the document kept in the custody of

the Clerk of Court. The NEF provides certification that the associated document(s) is a true and correct copy of the original filed with the court.

**V. Exclusions From Electronic Filing.**

**A. Generally.** CM/ECF Users otherwise participating in the CM/ECF system may be excused from filing a particular document or component electronically if it is not available in electronic format and it is not possible for the CM/ECF User to convert it to PDF format by scanning or if the document or component is being filed under seal. Such document or component shall not be filed electronically, but instead shall be traditionally filed, in duplicate, with the Clerk and served upon the parties in accordance with the applicable Federal Rules of Civil and Criminal Procedure. Attorneys traditionally filing a document or component under this provision shall first file electronically a Notice of Manual Filing setting forth the reason(s) why the document or component cannot be filed electronically.

**B. Pro Se Litigants.** Unless ordered by the court, documents filed by pro se litigants will continue to be filed and served in the traditional manner and will be scanned by the Clerk's Office into the CM/ECF system.

**C. Case Initiating Documents.**

**1. Civil Case Initiating Documents.** Complaints (such as

third-party complaints, amended complaints, complaints in intervention, counterclaims and cross-claims) and other civil case initiating documents shall be filed, in duplicate, fees paid, and summons issued and served in the traditional manner rather than electronically. Documents filed simultaneously with civil initiating documents that request emergency relief shall also be filed in the traditional manner. All traditionally filed civil case initiating documents and simultaneously filed emergency relief documents shall be submitted in electronic form (PDF format only) by close of business the following business day.

Submission of these documents must be made by e-mail to the civil intake e-mail box for the appropriate court division (the division to which the case is assigned).

The intake e-mail box address for each division is indicated on the court's CM/ECF website. Attorneys who fail to timely e-mail PDF copies of these documents shall be subject to such sanctions as may be imposed by the court.

**2. Criminal Case Initiating Documents.** Complaints, indictments, informations, and other initiating documents in criminal cases shall be filed in the traditional manner rather than electronically. All traditionally filed documents shall be submitted to the appropriate court division (the division to which the case is assigned). All traditionally filed criminal case initiating documents shall be submitted in electronic form (PDF format only) by close of

business the following business day. Submission of these documents must be made by e-mail to the criminal intake e-mail box for the appropriate court division (the division to which the case is assigned). The intake e-mail box address for each division is indicated on the court's CM/ECF website. Attorneys who fail to timely e-mail PDF copies of these documents shall be subject to such sanctions as may be imposed by the court.

**D. Under Seal Documents.** Applications and Orders to Seal, along with the document to be placed under seal, shall **NOT** be electronically filed but shall be filed traditionally in the manner prescribed by Local Rule 79-5. Attorneys traditionally filing a document under this provision shall first file electronically a Notice of Manual Filing.

**E. Records for Bankruptcy Appeals and Administrative Review Cases.** In Bankruptcy appeals, habeas corpus proceedings, and administrative review cases such as Social Security appeals, ERISA and IDEA cases, the record, when available in electronic format, may be submitted electronically or in the traditional manner. When filed in the traditional manner, a Notice of Filing or Lodging Administrative Record shall first be electronically filed.

**F. Voluminous Exhibits.** Exhibits for which the electronic original is not available to the CM/ECF User and must therefore be scanned to PDF should be

filed electronically only when the size of the document does not exceed the limit specified on the CM/ECF website. Attorneys traditionally filing exhibits because they are too large to scan shall first file electronically a Notice of Manual Filing.

**G. Criminal Duty Matters.** The following documents filed in criminal duty matters, before a case is assigned to a district judge, shall be filed in the traditional manner:

- Applications for Pen Registers, Search Warrants, Seizure Warrants, Arrest Warrants, Wire Taps, Cell Site Information, Tracking Services, and other such precharging documents.
- Bond Related Documents.
- Under Seal and In-Camera Documents.

**VI. Proposed Orders, Proposed Judgments, or Other Proposed Documents That Require a Judge's Signature.**

**A. Electronically Filed Proposed Documents.** When a proposed order or other proposed document accompanies a filing, the proposed order or other proposed document shall be in PDF format and included, as an attachment, to the main electronically filed document (e.g., stipulations, applications, motions).

Proposed orders or other proposed documents that are not filed with a main document, such as a proposed judgment or proposed findings of fact, shall be

electronically filed as an attachment to a Notice of Lodging and shall be linked to the order or minute order directing the preparation of the proposed document.

**B. WordPerfect or Microsoft Word Copy of Proposed Documents.**

After the documents have been electronically filed, a WordPerfect or Microsoft Word copy of the proposed document, along with a copy of the PDF electronically filed main document, shall be e-mailed to the assigned judge's generic chambers e-mail address using the CM/ECF system. The subject line of the e-mail shall be in the following format: court's divisional office, year, case type, case number, document control number assigned to the main document at the time of filing, judge's initials and filer (party) type and name.

For criminal cases, the defendant's last name and first initial of first name shall be included as the filer (e.g., for Los Angeles, LA08CR00123-6-ABC-Doe J; for Santa Ana, SA08CR00124-8-DEF-Smith A; for Riverside, ED08CR00125-10-GHI-Jones B).

For civil cases, the party's type and name shall be included as the filer (e.g., for Los Angeles, LA08CV00123-6-ABC-Defendant and Counter Plaintiff Corp. A; for Santa Ana, SA08CV00124-8-DEF-Defendant and Counter Plaintiff Corp. B); for Riverside, ED08CV00125-10-GHI-Defendant and Counter Plaintiff Corp. C).

**VII. Service of Electronically Filed Documents.**

**A. Generally.** Upon the electronic filing of a document, a NEF is automatically generated by the CM/ECF system and sent by e-mail to all attorneys in the case. Service of an electronically filed document upon a CM/ECF User is deemed complete upon the transmission of the NEF.

For pro se litigants, and CM/ECF Users who have opted not to receive electronic service, service is deemed complete in accordance with the Federal Rules of Civil and Criminal Procedure.

**B. Service of the Court's Orders or Other Court Generated Documents.** Orders or other documents generated by the court will be served electronically unless: (1) an attorney is not a registered CM/ECF User, (2) an attorney is a CM/ECF User but has opted not to receive electronic service, or (3) a party is appearing pro se. If any of these situations exist, traditional service will be made by the court on that party(s) only.

**VIII. Signatures.**

An electronically filed document shall be deemed to be signed by the person (the "Signatory") when the document identifies the person as a Signatory and the filing complies with either subparagraph (A) or (B) of this Section. Any filing in accordance with any of these methods shall bind the Signatory as if the document

was physically signed and filed, and shall function as the Signatory's signature, whether for purposes of Rule 11 of the Federal Rules of Civil Procedure, to attest to the truthfulness of an affidavit or declaration, or for any other purpose.

**A. CM/ECF Users.** In the case of a Signatory who is a CM/ECF User, such document shall be deemed signed, regardless of the existence of a physical signature on the document, provided that such document is filed using the Login and Password of the Signatory.

**B. Documents Requiring Multiple CM/ECF User Signatures.** In the case of documents requiring multiple signatures, such as stipulations, the CM/ECF User shall scan the signed document in PDF format and electronically file the document. The CM/ECF User shall maintain the original, signed documents, for subsequent production to the assigned judge if so ordered for inspection upon request by a party or the judge's own motion, until one year after final resolution of the action (including the appeal, if any). The CM/ECF User may attach a scanned PDF image of the signature page(s) of the document being electronically filed in lieu of maintaining the paper record for subsequent production if required.

**C. Documents Requiring Signatures Other Than CM/ECF Users.** In the case of documents requiring signatures other than the attorneys of record, the CM/ECF User shall scan the document in PDF format and electronically file the



document. The CM/ECF User shall maintain the original, signed document, for subsequent production to the assigned judge if so ordered for inspection upon request by a party or the judge's own motion, until one year after final resolution of the action (including the appeal, if any).

**IX. Limitations on Remote Access to Social Security Appeals and Immigration Cases.**

In an action for benefits under the Social Security Act, and in an action or proceeding relating to an order of removal, to relief from removal, or to immigration benefits or detention, access to the entire electronic file is authorized to the parties and their attorneys.

Any other person may have electronic access to the **full record** at the courthouse, but may have remote electronic access only to the docket maintained by the Clerk; and an opinion, order, judgment, or other disposition of the assigned judge, but not any other part of the case file or the administrative record.

**X. Access to Rules.**

This General Order, as well as operational guidelines and instructions, shall be posted on the CM/ECF website and may be published in official legal newspapers in this district. Any amendments to CM/ECF procedures shall be similarly published.

Amendments to this order may be entered from time to time in keeping with the needs of the court.

Dated August 2, 2010