

# Restricted Filing & Viewing Levels Module

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Case Management

**CM / ECF**

Electronic Case Files

# Restricted Filings & Viewing Levels Module

- Effective November 2007
- New procedure for “sealed” filings
- Different levels of restriction
  1. Public
  2. Parties
  3. Selected Parties
  4. Ex-Parte

# Motion to Restrict

- Effective January 2013
- Motion to Restrict to be filed:
  - Separate public document - exercise caution in docket entry text
  - Identifies restriction level sought and interest to be protected
  - The document for which the restriction is sought is filed separately using the level of restriction requested in the motion to restrict

# Determining if the document will be public or restricted:

- First and foremost, a level of restriction is **NOT** always necessary nor appropriate.
- Users are encouraged to first ascertain whether a restriction is absolutely necessary.

# Public

- Service pursuant to FRCrP 49 and FRCvP5
- No restriction at all
- Everyone has access to view the document
- System's DEFAULT level

# Different Levels of Restriction

- If restricted (sealed) viewing is required, you have three options to choose from:
  - Parties
  - Selected Parties
  - Ex-parte

# Parties/Case Participants

- Limits viewing to Attorneys in within the case and
- Court Personnel
  - judge
  - designated staff from judge's chambers
  - courtroom deputies
  - DQA/docket clerk
  - Probation Department
- Parties not in the case, PACER users, nor public terminal users, will NOT have access to view the document

# Selected Parties

- The filer selects which party or parties will have access to view the document.
- Court Personnel
  - judge
  - designated staff from judge's chambers
  - courtroom deputies
  - DQA/docket clerk
  - Probation Department
- Parties not selected within the case, PACER users, public terminal users will NOT be able to view the document

# Ex-Parte

- Only the filer will have access to the document
- Court Personnel
  - judge
  - designated staff from judge's chambers
  - courtroom deputies
  - DQA/docket clerk
  - Probation Department
- The word 'Ex-Parte' should be added to the title of the document

# Unsealed Cases

- A Notice of Electronic Filing (NEF) will be sent to all parties in the case (regardless of level of restriction chosen)
- Caution should be exercised – text written on the docket entry
- Docket entry = always public
- Restriction will be only on the PDF

# Sealed Cases

- Sealed Cases DO NOT generate Notice of Electronic Filing
  - manual notification necessary
- Access is individually given by Operations Manager.