

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

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WESTERN DISTRICT OF MICH

BY 

ADMINISTRATIVE ORDER RE:)
AMENDMENTS TO LOCAL CIVIL RULES)
3.3.1, 3.4, 10.5 and 5.7 and LOCAL CRIMINAL) No. 07- 011
RULES 32.3, 49.7, 49.10, 50.1, and 57.2.)
_____)

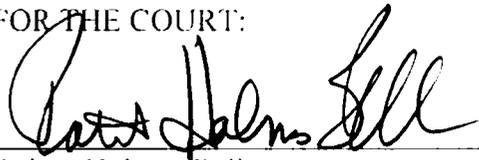
By Administrative Order 06-99, entered December 11, 2006, this Court gave public notice of its consideration of amendments to Local Civil Rule 5.7 and Local Criminal Rule 49.10, both of which govern electronic filing and service, as well as miscellaneous amendments to this Court's civil and criminal rules. The Administrative Order established a public comment period, which closed on January 19, 2007. The Court has received and reviewed several comments and now determines that the proposed rule amendments should be adopted in the form promulgated. NOW, THEREFORE:

IT IS HEREBY ORDERED that the attached amendments to the Local Civil and Criminal Rules be and hereby are ADOPTED. The Local Rules of this Court are amended accordingly.

IT IS FURTHER ORDERED that the foregoing rule amendments shall take effect on February 15, 2007 and shall govern all applicable proceedings in cases filed or pending in this Court on or after the effective date.

IT IS FURTHER ORDERED that the Clerk of this Court shall provide a copy of this order and the attachments thereto to the Administrative Office of the United States Courts, the Judicial Conference of the Sixth Circuit, and this Court's Advisory Committee on Rules.

FOR THE COURT:



Robert Holmes Bell
Chief Judge

Dated: February 7, 2007

LOCAL CIVIL RULE 5.7
(Amended Effective February 15, 2007)

5.7 Filing and service by electronic means

- (a) General information; definitions - Pursuant to Rule 5(e) of the Federal Rules of Civil Procedure, the Clerk will accept pleadings and other papers filed and signed by electronic means in accordance with this rule. All papers filed by electronic means must comply with technical standards, if any, now or hereafter established by the Judicial Conference of the United States.

This rule shall apply to all civil actions maintained in the court's electronic case filing system. All documents, whether filed electronically or on paper, will be placed into the electronic case filing system, except for sealed documents and certain voluminous documents. Attorneys must file and serve all documents electronically by use of the ECF system unless (1) the attorney has been specifically exempted by the Court for cause or (2) a particular document is not eligible for electronic filing under this rule.

As used in this rule, the term

- "ECF system" means the electronic case filing system maintained by this Court;
- "registered attorney" means an attorney who is authorized pursuant to Rule 5.7(b) to file documents electronically and to receive service on the ECF system;
- "initial pleading" means the complaint, petition or other document by which a civil action is initiated;
- "electronically filed document" means any order, opinion, judgment, pleading, notice, transcript, motion, brief or other paper submitted electronically to the ECF system;
- "traditionally filed document" means a pleading or other paper submitted to the Clerk in paper form for filing;
- "NEF" means the Notice of Electronic Filing generated by the ECF system;
- "nonelectronic means of service" means one of the methods of service authorized by Rule 5(b) of the Federal Rules of Civil Procedure, except electronic service under Rule 5(b)(2)(D).

(b) Mandatory registration; Attorney training

- (i) Every attorney practicing in this Court must register to file and serve documents electronically by the ECF system.
- (ii) To be entitled to register as a user of the ECF system, an attorney must be admitted to practice in this District, be a member in good standing, and have filed with the Clerk a completed ECF Attorney Registration form. In addition, the attorney or the attorney's firm must have a Public Access to Court Electronic Records (PACER) account and an e-mail address.

Detailed registration information is available on the Court's Website (www.miwd.uscourts.gov). Upon receipt of the ECF Attorney Registration form, the Court will issue a login name and a user password to qualified attorneys. All registered attorneys have an affirmative duty to inform the Clerk immediately of any change in their e-mail address. A registered attorney may not knowingly cause or allow another person to file a document using the attorney's login name and password, except for members of the attorney's staff. Authorized use of an attorney's login name and password by a staff member is deemed to be the act of the attorney. However, a registered attorney must not allow an unregistered attorney, even a member of the same firm, to use his or her login name and password. If a login name and/or password should become compromised, the attorney is responsible for notifying the ECF Help Desk immediately.

- (iii) The Clerk's Office will provide periodic training sessions on use of the ECF system. The Court will also provide on its Website a User's Manual containing instructions on the use of the ECF system and an on-line tutorial. Law firms are encouraged to have individuals responsible for electronic filing (attorney, paralegal or automation specialist) attend a live training session or use the on-line tutorial.

- (c) Initial pleading - Attorneys may submit complaints and other initial pleadings in civil cases electronically, following the "Case Opening Protocol" posted by the Clerk on the Court's Website. Filing fees must be paid (or a motion for leave to proceed in forma pauperis must be filed) electronically at the time the initial pleading is electronically submitted. A civil case is not commenced until the initial pleading has been accepted by the ECF system and a Notice of Electronic Filing has issued. Unrepresented parties must file initial pleadings and pay the filing fee (or seek in forma pauperis status) by the traditional method.

(d) Electronic filing

- (i) Mandatory Electronic Filing - All attorneys must file all pleadings and other papers permitted by the Federal Rules and the Local Rules of this Court (except initial pleadings) electronically in all civil cases, subject to the exceptions set forth below. All electronically filed documents must be in PDF digital format and must be submitted in accordance with the instructions set forth in the User's Manual. Attorneys are strongly urged to accompany all traditionally filed documents with a diskette or CD ROM of their papers in PDF digital format, to facilitate adding the document to the electronic case file.

- (ii) Papers that may not be filed electronically - The following documents must not be filed electronically, but must be submitted in paper form:
 - (A) Documents filed under seal pursuant to W.D. Mich. LCivR 10.6;
 - (B) The state-court record and other Rule 5 materials in habeas corpus cases filed under 28 U.S.C. § 2254;
 - (C) Administrative records, including records and transcripts in social security and ERISA cases and voluminous exhibits in other administrative review cases;
 - (D) Garnishee disclosures and other documents submitted by unrepresented third parties in response to writs or other court process;
 - (E) Any document or attachment exceeding 5MB in size.

- (iii) Electronic Filing of Affidavits and Other Original Documents: The following documents must be filed electronically by submission of a scanned PDF version of the original document:
 - (A) Affidavits in support of or in opposition to a motion (this rule does not apply to affidavits of service);
 - (B) Declarations under penalty of perjury;
 - (C) Certified copies of judgments or orders of other Courts.

The electronically filed version of such documents must bear a scanned image of all original manuscript signatures. The filer must meet the requirements of Rule 5.7(e)(viii) regarding evidence of an original signature.

- (iv) Deadlines - Filing documents electronically does not in any way alter any filing deadlines. An electronically filed document is deemed filed upon completion of the transmission and issuance by the Court's system of an NEF. In situations where Rule 5.7(d)(vii) requires that attachments to an electronically filed document be submitted in paper form, the electronic document is deemed filed upon issuance of the NEF, provided that the paper exhibits are filed and served within 72 hours thereof. All electronic transmissions of documents must be completed (i.e., received completely by the Clerk's Office) prior to midnight, Eastern Time, in order to be considered timely filed that day. Where a specific time of day deadline is set by Court order or stipulation, the electronic filing must be completed by that time.
- (v) Technical failures - The Clerk shall deem the Court's Website to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon (Eastern Time) that day, in which case, filings due that day which were not filed due solely to such technical failures shall become due the next business day. Such delayed filings must be accompanied by a declaration or affidavit attesting to the filer's failed attempts to file electronically at least two times after 12:00 noon separated by at least one hour on each day of delay because of such technical failure. The initial point of contact for any practitioner experiencing difficulty filing a document electronically shall be the ECF Help Desk, available via phone at (616) 456-2206 or (800) 290-2742, or via e-mail at ecfhelp@miwd.uscourts.gov.
- (vi) Official record; discarding of traditionally filed documents - For purposes of Rule 79 of the Federal Rules of Civil Procedure, the record of filings and entries created by the ECF system for each case constitutes the docket. The official record of all proceedings in civil cases filed on and after August 1, 2001, is the electronic file maintained on the Court's ECF system. The Clerk's Office will discard all traditionally filed documents after they have become part of the electronic record, unless the document produces a low-quality electronic file.

- (vii) Exhibits and attachments - Filers must not attach as an exhibit any pleading or other paper already on file with the Court, but shall merely refer to that document. All exhibits and attachments, whether filed electronically or traditionally, must contain on their face a prominent exhibit number or letter. Exhibits too large to be filed electronically may be submitted traditionally. If one or more attachments or exhibits to an electronically filed document are being submitted traditionally under this rule, the electronically filed document must contain a notice of that fact in its text. For example:

(Exhibits 1, 2 and 3 to this Motion are filed electronically; Exhibits 4 and 5 are filed in paper form pursuant to Local Rule 5.7(d)(vii)).

or

(All exhibits to this brief are filed in paper form pursuant to Local Rule 5.7(d)(vii)).

(c) Signature

- (i) Attorneys - A registered attorney's use of the assigned login name and password to submit an electronically filed document serves as the registered attorney's signature on that document for purposes of Fed. R. Civ. P. 11 and for all other purposes under the Federal Rules of Civil Procedure and the Local Rules of this Court. The identity of the registered attorney submitting the electronically filed document must be reflected at the end of the document by means of an "s/[attorney's name]" block showing the attorney's name, followed by the attorney's business address, telephone number, and e-mail address. Graphic and other electronic signatures are discouraged.
- (ii) Multiple attorney signatures - The filer of any electronically filed document requiring multiple signatures (e.g., stipulations, joint status reports) must list thereon all the names of other attorney signatories by means of an "s/ attorney's name " block for each. By submitting such a document, the filer certifies that each of the other attorneys has expressly agreed to the form and substance of the document, that the filer has their actual authority to submit the document electronically, and that the requirements of Rule 5.7(e)(viii) regarding evidence of original signature have been met. This paragraph does not apply to pro-se or unrepresented parties, whose manuscript signature, in original or scanned form, must appear on the face of the document.

- (iii) Court reporters - The electronic filing of a transcript by a court reporter by use of the court reporter's login name and password shall be deemed the filing of a signed and certified original document for all purposes.
- (iv) Judges - The electronic filing of an opinion, order, judgment or other document by a judge (or authorized member of the judge's staff) by use of the judge's login and password shall be deemed the filing of a signed original document for all purposes.
- (v) Clerk of Court or Deputy Clerks - The electronic filing of any document by the Clerk or a Deputy Clerk of this Court, of the Bankruptcy Court of this District, or of any Circuit Court of Appeals by use of that individual's login and password shall be deemed the filing of a signed original document for all purposes.
- (vi) Office of the U.S. Marshal: - The office of the U.S. Marshal for this District is authorized to file and serve documents electronically. The electronic filing of any document by the Office of the U.S. Marshal by use of the assigned login and password shall be deemed the filing of a signed original document for all purposes.
- (vii) Officers of the Court - If the court has appointed a special master, monitor, or other court adjunct who is required to make regular filings, the Court may authorize the officer to file and serve documents electronically. The officer of the court shall complete a registration form, and upon assignment of a login and password to the system, has authority to file and serve documents electronically in the case in which the officer was appointed. The electronic filing of any document by a court officer by use of the assigned login and password shall be deemed the filing of a signed original document for all purposes.
- (viii) Evidence of Original Signature - Filers of documents containing signatures authorized by Rule 5.7(e)(ii) (multiple attorney signatures) must maintain any records evidencing concurrence, and filers of documents containing signatures authorized by Rule 5.7(d)(iii) (electronically filed affidavits, etc.) must maintain the documents bearing the original manual signature for subsequent production to the Court or for inspection by a party until one year after the final resolution of the action (including appeal, if any). A non-filing signatory or party who disputes the authenticity of a signature on an

electronically filed document must file an objection to the document within ten days after service of that document.

- (f) Proposed pleadings - If the filing of an electronically submitted document requires leave of court, such as an amended complaint or brief in excess of page limits, the proposed document must be attached as an exhibit to the motion seeking leave to file. If the Court grants leave to file the document, the Clerk of Court will electronically file the document without further action by the attorney.
- (g) Proposed orders - Proposed orders may be submitted electronically. All proposed orders must be in PDF format and must be: (1) attached as an exhibit to a motion or stipulation; or (2) contained within the body of a stipulation; or (3) submitted separately. If the Judge approves the proposed order, it will be refiled electronically under a separate document number.
- (h) Court orders, judgments, writs and other process - Judgments and orders may be filed electronically by the Court or authorized Court personnel. Any order or other Court-issued document filed electronically without the image of the manuscript signature of the judge or clerk has the same force and effect as a document bearing an original signature. The Clerk may electronically affix the Seal of the Court on writs, summons, and other process, which shall have the same legal force and effect as process bearing an imprinted seal.
- (i) Service of electronically filed documents
 - (i) Summons and initial pleading - Summons, writs and other court process may be issued in electronic form with electronically affixed signatures and seal. Service of the summons and complaint or other initial pleading, however, must be made by one of the methods allowed by Rule 4 of the Federal Rules of Civil Procedure and may not be made electronically.
 - (ii) Service on registered attorneys - By registering under this rule, an attorney automatically consents to electronic service by both the Court and any opposing attorney of any electronically filed document in any civil action in which the registered attorney appears. Consequently, service of an electronically filed document upon a registered attorney is deemed complete upon the transmission of an NEF to that attorney under subsection (i)(iv) of this rule and no separate certificate of service should be filed. Traditionally filed documents must be served on registered attorneys by nonelectronic means of service. A proof of service must be filed.

- (iii) Service on unregistered attorneys and *pro se* parties - Counsel filing any pleading or other paper must serve attorneys not registered under this rule and *pro se* parties by nonelectronic means of service under Rule 5. A proof of service must be filed.
- (iv) Method of electronic service - At the time a document is filed either electronically or by scanning paper submissions, the Court's system will generate an NEF, which will be transmitted by e-mail to the filer and all registered attorneys who have appeared on that case. The NEF will contain a hyperlink to the filed document. The attorney filing the document should retain a paper or digital copy of the NEF, which serves as the Court's date-stamp and proof of filing. Transmission of the NEF to the registered e-mail address constitutes service of an electronically filed document upon any registered attorney. Only service of the NEF by the Court's system constitutes electronic service; transmission of a document by one party to another by regular e-mail does not constitute service.
- (v) Effect on time computation - Electronic service under this rule is complete upon transmission. The additional three (3) days to do an act or take a proceeding after service of a document applies when service is made electronically, by virtue of Fed. R. Civ. P. 6(e).

- j) Access to electronically stored documents - The general public, as well as any party to the litigation, may access and download any electronically stored document, with the following exceptions: (1) access to documents filed in social security cases is restricted to the attorneys of record; and (2) the Court may restrict access to other classes of documents by future order in conformity with resolutions of the Judicial Conference of the United States. The provisions of Local Civil Rule 10.7 concerning privacy apply to all electronically stored documents.
- (k) Facsimile transmissions - The Clerk will not accept for filing any pleading or other paper submitted by facsimile transmission.

LOCAL CRIMINAL RULE 49.10
(Revised effective February 15, 2007)

49.10 Filing and service by electronic means

- (a) General information: definitions - Pursuant to Rule 49(d) of the Federal Rules of Criminal Procedure, the Clerk will accept pleadings and other papers filed and signed by electronic means in accordance with this rule. All papers filed by electronic means must comply with technical standards, if any, now or hereafter established by the Judicial Conference of the United States.

This rule shall apply to all criminal actions maintained in the court's electronic case filing system. All documents, whether filed electronically or on paper, will be placed into the electronic case filing system, except for sealed documents and certain voluminous documents. Attorneys must file and serve all documents electronically by use of the ECF system unless (1) the attorney has been specifically exempted by the Court for cause or (2) a particular document is not eligible for electronic filing under this rule.

As used in this rule, the term

- "ECF system" means the electronic case filing system maintained by this Court;
- "registered attorney" means an attorney who is authorized pursuant to Rule 49.10(b) to file documents electronically and to receive service on the ECF system;
- "charging document" means the original complaint, indictment (or any superseding indictment), information or other document by which charges are brought in a criminal case;
- "electronically filed document" means any order, opinion, judgment, pleading, notice, transcript, motion, brief or other paper submitted electronically to the ECF system;
- "traditionally filed document" means a pleading or other paper submitted to the Clerk in paper form for filing;
- "NEF" means the Notice of Electronic Filing generated by the ECF system;
- "nonelectronic means of service" means one of the methods of service authorized by Rule 49(b) of the Federal Rules of Criminal

Procedure and Rule 5(b) of the Federal Rules of Civil Procedure, except electronic service under FED. R. CIV. P. 5(b)(2)(D).

(b) Mandatory registration; Attorney training

- (i) Every attorney practicing in this Court must register to file and serve documents electronically by the ECF system.
- (ii) To be entitled to register as a user of the ECF system, an attorney must be admitted to practice in this District, be a member in good standing, and have filed with the Clerk a completed ECF Attorney Registration form. In addition, the attorney or the attorney's firm must have a Public Access to Court Electronic Records (PACER) account and an e-mail address.

Detailed registration information is available on the Court's Website (www.miwd.uscourts.gov). Upon receipt of the ECF Attorney Registration form, the Court will issue a login name and a user password to qualified attorneys. All registered attorneys have an affirmative duty to inform the Clerk immediately of any change in their e-mail address. A registered attorney may not knowingly cause or allow another person to file a document using the attorney's login name and password, except for members of the attorney's staff. Authorized use of an attorney's login name and password by a staff member is deemed to be the act of the attorney. However, a registered attorney must not allow an unregistered attorney, even a member of the same firm, to use his or her login name and password. If a login name and/or password should become compromised, the attorney is responsible for notifying the ECF Help Desk immediately.

- (iii) The Clerk's Office will provide periodic training sessions on use of the ECF system. The Court will also provide on its Website a User's Manual containing instructions on the use of the ECF system and an on-line tutorial. Law firms are encouraged to have individuals responsible for electronic filing (attorney, paralegal or automation specialist) attend a live training session or use the on-line tutorial.

- (c) Charging documents - The filing of charging documents must be accomplished in the traditional manner (not electronically). The United States Attorney, however, is strongly encouraged to accompany charging documents with a diskette or CD-ROM containing charging documents (bearing an image of any signature required by law) in portable document format (PDF), so that these documents can be added to the electronic case file. The Court may issue a summons or warrant electronically, but such

process may be served only in accordance with Rule 4(c) of the Federal Rules of Criminal Procedure.

(d) Electronic filing

(i) Mandatory Electronic Filing - All attorneys must file all pleadings and other papers permitted by the Federal Rules and the Local Rules of this Court (except charging documents) electronically in all criminal cases, subject to the exceptions set forth below. All electronically filed documents must be in PDF digital format and must be submitted in accordance with the instructions set forth in the User's Manual. Attorneys are strongly urged to accompany all traditionally filed documents with a diskette or CD ROM of their papers in PDF digital format, to facilitate adding the document to the electronic case file.

(ii) Papers that may not be filed electronically - The following documents may not be filed electronically, but must be submitted in paper form:

(A) Documents filed under seal;

(B) Garnishee disclosures and other documents submitted by unrepresented third parties in response to writs or other court process;

(C) Any document or attachment exceeding 5MB in size.

(iii) Electronic Filing of Affidavits and Other Original Documents: The following documents must be filed electronically by submission of a scanned PDF version of the original document:

(A) Affidavits in support of or in opposition to a motion (This rule does not apply to affidavits of service);

(B) Declarations under penalty of perjury;

(C) Certified copies of judgments or orders of other Courts.

The electronically filed version of such documents must bear a scanned image of all original manuscript signatures. The filer must meet the requirements of Rule 49.10(e)(vii) regarding evidence of an original signature:

(iv) Deadlines - Filing documents electronically does not in any way alter any filing deadlines. An electronically filed document is deemed

filed upon completion of the transmission and issuance by the Court's system of an NEF. In situations where attachments to an electronically filed document are submitted in paper form, the electronic document is deemed filed upon issuance of the NEF, provided that the paper exhibits are filed and served within 72 hours thereof. All electronic transmissions of documents must be completed (i.e., received completely by the Clerk's Office) prior to midnight, Eastern Time, in order to be considered timely filed that day. Where a specific time of day deadline is set by Court order or stipulation, the electronic filing must be completed by that time.

- (v) Technical failures - The Clerk shall deem the Court's Website to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon (Eastern Time) that day, in which case, filings due that day which were not filed due solely to such technical failures shall become due the next business day. Such delayed filings must be accompanied by a declaration or affidavit attesting to the filer's failed attempts to file electronically at least two times after 12:00 noon separated by at least one hour on each day of delay because of such technical failure. The initial point of contact for any practitioner experiencing difficulty filing a document electronically shall be the ECF Help Desk, available via phone at (616) 456-2206 or (800) 290-2742, or via e-mail at ecfhelp@miwd.uscourts.gov.
- (vi) Official record: discarding of traditionally filed documents - For purposes of Rule 55 of the Federal Rules of Criminal Procedure, the official record of all proceedings filed on and after November 3, 2003, is the electronic file maintained on the Court's ECF system. The Clerk's Office will discard all traditionally filed documents after they have become part of the electronic record, unless the document produces a low-quality electronic file.
- (vii) Exhibits and attachments - Filers must not attach as an exhibit any pleading or other paper already on file with the Court, but shall merely refer to that document. All exhibits and attachments, whether filed electronically or traditionally, must contain on their face a prominent exhibit number or letter. Exhibits too large to be filed electronically may be submitted traditionally. If one or more attachments or exhibits to an electronically filed document are being submitted traditionally under this rule, the electronically filed document must contain a notice of that fact in its text. For example:

(Exhibits 1, 2 and 3 to this Motion are filed electronically; Exhibits 4 and 5 are filed in paper form pursuant to Local Criminal Rule 49.10(d)(vii)).

or

(All exhibits to this brief are filed in paper form pursuant to Local Criminal Rule 49.10(d)(vii)).

(c) Signature

- (i) Attorneys - A registered attorney's use of the assigned login name and password to submit an electronically filed document serves as the registered attorney's signature on that document, for purposes of Fed. R. Civ. P. 11 and for all other purposes under the Federal Rules of Criminal and Civil Procedure and the Local Rules of this Court. The identity of the registered attorney submitting the electronically filed document must be reflected at the end of the document by means of an "s/ [attorney's name]" block showing the attorney's name, followed by the attorney's business address, telephone number, and e-mail address. Graphic and other electronic signatures are discouraged.
- (ii) Multiple attorney signatures - The filer of any electronically filed document requiring multiple signatures (e.g., stipulations, joint motions) must list thereon all the names of other attorney signatories by means of an "s/ [attorney's name]" block for each. By submitting such a document, the filer certifies that each of the other attorneys has expressly agreed to the form and substance of the document, that the filer has their actual authority to submit the document electronically, and that the requirements of Rule 49.10(e)(viii) regarding evidence of signature have been met. This paragraph does not apply to pro-se or unrepresented parties, whose manuscript signature, in original or scanned form, must appear on the face of the document.
- (iii) Court reporters - The electronic filing of a transcript by a court reporter by use of the court reporter's login name and password shall be deemed the filing of a signed and certified original document for all purposes.
- (iv) Judges - The electronic filing of an opinion, order, warrant, judgment or other document by a judge (or authorized member of the judge's staff) by use of the judge's login and password shall be deemed the filing of a signed original document for all purposes.

- (v) Clerk of Court or Deputy Clerks - The electronic filing of any document by the Clerk or a Deputy Clerk of this Court or of the Circuit Court of Appeals by use of that individual's login and password shall be deemed the filing of a signed original document for all purposes.
- (vi) Probation Office and Office of the U.S. Marshal - The Probation Office and Office of the United States Marshal for this district are authorized to file and serve documents electronically. The electronic filing of any document by the Probation Office and Office of the United States Marshal by use of the assigned login and password shall be deemed the filing of a signed original document for all purposes.
- (vii) Signature of defendant - Documents containing the original signature of the defendant must be submitted in one of three ways: (1) by use of the in-court electronic signature pad; (2) in a scanned PDF document containing the image of defendant's manuscript signature; or, (3) if neither of the foregoing is feasible in traditional form.
- (viii) Evidence of Original Signature - Filers of documents containing signatures authorized by Rule 49(e)(ii) (multiple attorney signatures) must maintain any records evidencing concurrence, and filers of documents containing signatures authorized by Rule 49(d)(iii) (electronically filed affidavits, etc.) and 49(e)(vii) (documents containing defendant's signature) must maintain the documents bearing the original manual signature for subsequent production to the Court or for inspection by a party until one year after the final resolution of the action (including appeal, if any). A non-filing signatory or party who disputes the authenticity of a signature on an electronically filed document must file an objection to the document within ten days after service of that document.
- (f) Proposed pleadings - If the filing of an electronically submitted document requires leave of Court, such as a brief in excess of page limits, the proposed document must be attached as an exhibit to the motion seeking leave to file. If the Court grants leave to file the document, the Clerk of Court will electronically file the document without further action by the attorney.
- (g) Proposed orders - Proposed orders must be submitted electronically. All proposed orders must be in PDF format and must be: (1) attached as an exhibit to a motion or stipulation; or (2) contained within the body of a stipulation; or (3) submitted separately. If the Judge approves the proposed order, it will be refiled electronically under a separate document number.

(h) Service of electronically filed documents

- (i) Summons and warrants - Warrants and summons may be issued in electronic form with electronically affixed signatures and seal. Service of warrants and summons, however, must be made in accordance with FED. R. CRIM. P. 4(c) and may not be made electronically.
- (ii) Service on registered attorneys - By registering under this rule, an attorney automatically consents to electronic service by both the Court and any opposing attorney of any electronically filed document in any case in which the registered attorney appears. Consequently, service of an electronically filed document upon a registered attorney is deemed complete upon the transmission of an NEF to that attorney and no separate certificate of service should be filed. Traditionally filed documents must be served on registered attorneys by nonelectronic means of service, and a proof of service filed.
- (iii) Service on United States Probation Office - A registered attorney may serve the United States Probation Office electronically with a copy of sentencing memoranda, motions for departure, or any other document that the Federal Rules of Criminal Procedure or these rules require to be served on the Probation Office. If such documents are filed by a registered attorney electronically, service will be accomplished by the ECF system automatically. If such documents are filed traditionally, they must be served on the Probation Office by nonelectronic means of service.
- (iv) Service on unregistered attorneys and *pro se* parties - Counsel filing any pleading or other paper must serve attorneys not registered under this rule and *pro se* parties by nonelectronic means of service. A proof of service must be filed.
- (v) Method of electronic service - At the time a document is filed either electronically or by scanning paper submissions, the Court's system will generate an NEF, which will be transmitted by e-mail to the filer and all registered attorneys who have appeared on that case. The NEF will contain a hyperlink to the filed document. The attorney filing the document should retain a paper or digital copy of the NEF, which serves as the Court's date-stamp and proof of filing. Transmission of the NEF to the registered e-mail address constitutes service of an electronically filed document upon any registered attorney. Only service of the NEF by the Court's system constitutes

electronic service; transmission of a document by one party to another by regular e-mail does not constitute service.

- (vi) Effect on time computation - Electronic service under this rule is complete upon transmission. The additional three (3) days to do an act or take a proceeding after service of a document applies when service is made electronically, by virtue of FED. R. CRIM. P. 45(c).

- (i) Court orders, judgments, writs and other process - Judgments and orders may be filed electronically by the Court or authorized Court personnel. Any order or other Court-issued document filed electronically without the image of the manuscript signature of the judge or clerk has the same force and effect as a document bearing an original signature. Upon entry of an order or judgment in a criminal proceeding, the clerk will transmit an NEF to all registered attorneys. Such transmission constitutes the notice to registered attorneys required by FED. R. CRIM. P. 49(c). The clerk will provide notice to attorneys not registered under this rule and *pro se* parties by nonelectronic means of service. The Clerk may electronically affix the Seal of the Court on writs, summons, and other process, which shall have the same legal force and effect as process bearing an imprinted seal.

- (j) Access to electronically stored documents - Any person may review at the Clerk's Office filings in a criminal case that have not been sealed by the Court. Any person may retrieve a docket sheet in a criminal case through the PACER system and may access electronically the text of documents (except sealed documents and transcripts) stored on the ECF system and filed on or after November 1, 2004. The provisions of Local Criminal Rule 12.7 concerning privacy apply to all electronically stored documents.

- (k) Facsimile transmissions - The Clerk will not accept for filing any pleading or other paper submitted by facsimile transmission.

Criminal Rules

Local Criminal Rule 32.3: Judgments and Commitments [Repealed]

Local Criminal Rule 50.1 Prompt disposition of Criminal Cases

50.1 Pursuant to statutory requirements, the judges of the United States District Court for the Western District of Michigan have adopted a plan to minimize undue delay and further the prompt disposition of cases. Copies of the plan are available on the Court's website or in the Clerk's Office.

Local Criminal Rule 57.2: Magistrate Judges

- (c) Other duties - A magistrate judge is also authorized to:
- (i) exercise all authority conferred upon United States magistrate judges by the Federal Rules of Criminal Procedure, including exercising case-dispositive jurisdiction in petty offense and other misdemeanor prosecutions under FED. R. CRIM. P. 58 and 18 U.S.C. § 3401;

Civil Rules

Local Civil Rule 3.3.1 Assignment of Cases to Judges

(b) Sequence - At the commencement of each civil case, the Clerk shall assign the case a sequential case number and assign the case to a judge in accordance with the next subsection. The numbering and assignment of each case shall be completed before processing of the next case is commenced.

Local Civil Rule 3.4 In forma pauperis proceedings

- (b) Determination of pauper status - A petition for leave to proceed in forma pauperis shall be presented by the Clerk to any available magistrate judge. If the financial affidavit discloses that the person is unable to pay the full filing fee or fees for service of process, the magistrate judge shall grant the petition for pauper status. The magistrate judge shall nevertheless order that a prisoner pay, within a specified period, an initial partial filing fee and make monthly payments thereafter in accordance with 28 U.S.C. § 1915(b). If the person fails to comply with the order for payment of all or any part of the filing fee, the complaint may be dismissed by a district judge or the appeal may be dismissed for want of prosecution by the Sixth Circuit Court of Appeals.

Local Civil Rule 10.5 / Local Criminal Rule 49.7 Tendering of orders - [Repealed]

Local Civil Rule 10 Filing under Seal

- (c) Expiration of seal - Unless otherwise ordered by the Court, sealed documents and cases will be unsealed by the Court prior to archiving.

Local Civil Rule 77.4 Notice of State Interest - [Repealed]

Local Civil Rule 83.1 / Local Criminal Rule 57.1 Attorneys

(d) Procedure for admission

- (ii) A sponsor must sign a declaration supporting the application for admission. A sponsor may be a member of the bar of this Court or, for applicants residing in another state, a judge of a court of record of that state, or a federal judge. The Chief Judge may waive the sponsorship requirement for recent law school graduates.
- (iv) If the Court grants the application, the Clerk shall issue a certificate of admission.