



**UNITED STATES DISTRICT COURT**  
*District of Rhode Island*

**NOTICE REGARDING THE ELECTRONIC AVAILABILITY OF  
DOCUMENTS FILED PURSUANT TO LR GEN 102**

The United States District Court for the District of Rhode Island will now begin to scan and upload into the Court's Case Management/Electronic Case Files ("CM/ECF") system motions to seal and the document(s) subject to the motion to seal filed pursuant to LR Gen 102.

Remote electronic access to these documents is restricted to court users and appropriate counsel of record as outlined in the filer's certificate of service. Restricted documents cannot be viewed remotely by the general public but may be viewed remotely by counsel of record in a case. Examples of restricted documents are presentence investigation reports (PSRs), social security case filings, and civil immigration case filings. Some restricted documents are also viewable at the Clerk's Office public terminals, such as filings in social security cases and civil immigration cases, and letters regarding sentencings.

Parties seeking to file documents under seal must still comply with the provisions of LR Gen 102, and file such documents conventionally. Upon receipt of a motion to seal and the document(s) subject to the motion, the Clerk's Office will docket the motion, upload the documents into CM/ECF, and provisionally seal the document(s) subject to the motion to seal pending a ruling by the Court. If the motion to seal is granted, the Clerk's Office will officially note the acceptance of the document(s) subject to the motion to seal by using a CM/ECF event that best describes the document. If the motion is denied, the Clerk's Office will further restrict electronic access to the tendered document to ensure that it is not a part of the official record, and return the original document to the filer as outlined in LR Gen 102.

All attorneys of record who are registered for electronic filing and appear on the filer's certificate of service will receive a Notice of Electronic Filing (NEF) after each document is entered onto the Court's docket. Sealed documents filed pursuant to LR Gen 102 will contain docket text indicating that the entire document and/or certain attachments are restricted. Attorneys must use their CM/ECF login and password to view these document(s).

Parties are urged to review the Court's Notice of Electronic Availability of Case Information available on the Court's website at [www.rid.uscourts.gov](http://www.rid.uscourts.gov) for information concerning privacy and, specifically, to the guidance attached to this Notice.

June 3, 2016

DAVID A. DIMARZIO  
Clerk of Court

## GUIDANCE REGARDING MOTIONS FILED PURSUANT TO LR GEN 102

**FORM AND CONTENT:** All motions must conform with LR Cv 5 and LR Cr 47. Documents to be sealed that accompany a motion to seal must be stamped or clearly labeled by the party on the cover, “FILED UNDER SEAL.” Any redacted documents submitted with a filer’s motion to seal must also be stamped or clearly labeled by the party on the cover, “REDACTED COPY.” Parties cannot seal otherwise public documents merely by consent or by labeling them sealed. A motion to seal seeking leave of court must be filed.

**CASES WITH PROTECTIVE ORDERS:** In general, a protective order does not relieve a party from complying with LR Gen 102. Filers should carefully read the protective order to make certain what requirements are set forth within the order. Documents filed under seal pursuant to a protective order must be stamped or clearly labeled by the party on the cover, “FILED UNDER SEAL PURSUANT TO PROTECTIVE ORDER.”

**CERTIFICATES OF SERVICE:** Although authorized parties will have access to sealed or restricted documents via CM/ECF, a filer must continue to serve sealed documents on opposing counsel conventionally as outlined in LR Cv. 5.1(b). Conventionally filed documents must contain a statement, preferably attached to the document's last page, indicating the date of service, the manner of service and the names and addresses of the persons served, or whether they are being served using an alternate method of service permitted by Fed. R. Civ. P. 5(b) and, if so, which method.

**LEVELS OF RESTRICTION:** CM/ECF allows the Court to restrict access to docket entries and documents only as provided by statute, rule or court order. This allows ready access to filings to authorized users, and strikes the appropriate balance between protecting the privacy of certain information and the public’s right of access to judicial proceedings.

Not all restricted documents are viewable by all parties to a case. If a document has a restriction placed on it, a warning message will appear identifying the level of restriction and appropriate access. Examples of warning messages are:

Warning – You do not have permission to view this document.

Warning – This document is restricted to court users and the applicable party.

Warning – This document is filed *ex parte*; it is restricted to court users and the filing party.

Warning – This document is restricted to court users, case participants, and public terminal users.

**VIEWING SEALED/RESTRICTED DOCUMENTS:** Authorized ECF Filers who receive electronic notification of a sealed or restricted filing are permitted one “free look” at the document as with any other document. However, clicking on the link will prompt the user to enter their ECF login and password (not PACER) to confirm their status as attorney of record. Once this authentication has been completed, the document will be displayed. Please note, secondary e-mail recipients on the attorney’s primary account are not eligible to view sealed or restricted documents. It is strongly recommended that counsel of record link their CM/ECF account to their PACER account and access dockets using their CM/ECF login credentials in order to view entries or documents that may be sealed or restricted by statute, rule or court order.

**FILING REDACTED/UNREDACTED DOCUMENTS:** The Court encourages the limited sealing and restriction of documents. All filings with the Court – including attachments – must comply with Fed.R.Civ.P. 5.2 or Fed.R.Crim.P. 49.1: Social Security or taxpayer-identification numbers, dates of birth, names of minor children, financial account numbers, and home addresses in criminal cases may not appear, except as allowed by applicable rule. Although attorneys are required to redact this information from pleadings, it does not mean that the pleading(s) should be filed under seal. If the redacted information is not material to a filing, a party does not need to separately file a motion to seal and an unredacted version of the document unless otherwise ordered by the Court.

If the redacted information is material to a filing, a party must conventionally file a motion to seal along with an unredacted version of the document, and a redacted version that excises the confidential information. Parties should not separately electronically file the redacted version.

**FLATTENING A PDF:** Flattening a PDF document before filing it in CM/ECF prevents other users from manipulating or editing the PDF document and ensures that all document content can be viewed on any device. Further, certain versions of Adobe Acrobat and other PDF editing software may cause document image quality issues when a PDF document is electronically filed through CM/ECF. As a result, all PDF documents should be “flattened” before filing through CM/ECF.

The easiest way to flatten a PDF document is by selecting, “Print to PDF” and saving the flattened document before filing. *(The Adobe PDF printer is generally installed automatically with Adobe Acrobat. Further, numerous free PDF printer drivers are available for download from the Internet.)*