

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI**



**Administrative Procedures for
Electronic Case Filing**

Electronic Means for Filing, Signing and
Verification of Pleadings and Papers

August 2020

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**APPENDIX A PROCEDURES FOR THE FILING OF CIVIL CASE OPENING
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FORMS: Form 1 - Attorney Registration Form
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HELP LINE NO.: 1-866-517-7682

ADMINISTRATIVE PROCEDURES

Section 1. INTRODUCTION AND SCOPE OF ELECTRONIC FILING

In the United States District Court for the Southern District of Mississippi, the filing of court pleadings and documents is carried out electronically through the Court's Case Management/Electronic Case Filing system. This system requires properly registered attorneys to file documents electronically and permits them to view and search court records from any location over the Internet, twenty-four hours a day. Non-attorneys and non-registered attorneys may "read only" documents in the system by utilizing the court's Public Access to Court Electronic Records (PACER) program. The following information explains the court procedures applicable to system use. This information is available on the court's web site, ***www.mssd.uscourts.gov***, and should be referenced there for recent revisions or modifications.

The following procedures govern the utilization of the system.

A. Authorization for Electronic Filing

The Local Uniform Civil Rules of the United States District Courts for the Northern District of Mississippi and the Southern District of Mississippi [ALocal Rules@] [L.U.Civ.R. 5(c)] authorize electronic filing in conjunction with Rules 5(d) and 83 of the Federal Rules of Civil Procedure and Rule 57 of the Federal Rules of Criminal Procedure. These rules authorize the courts to establish practices and procedures for the filing, signing, and verification of documents by electronic means. The following procedures will govern electronic filing in this District unless, due to extraordinary circumstances in a particular case, a judicial officer or the Clerk of the Court determines that these policies and procedures should be modified in the interest of justice.

B. Participants in Electronic Filing

The system permits attorneys to file documents with the court from any location over the Internet. While all parties, including those proceeding pro se, may register with PACER to receive Aread only@ accounts, **only registered attorneys, as officers of the court, are permitted to file electronically.**

C. Training and Technical Assistance

These procedures govern electronic filing in the Southern District of Mississippi, and are not intended as a technical guide for the use of the system. Information regarding the equipment needed to participate in ECF, as well as information on training and access to computer-based tutorials, can be obtained from the court's website, ***www.mssd.uscourts.gov/cmecf***. Procedures and instructions for using the court's ECF system consistent with the policies set forth herein are also located on the website. Periodically, training will also be offered. Dates and times will be posted on the court's website. Registration will be required.

D. Definitions and Instructions

The term Aconventional filing@ means presentation to the Office of the Clerk of a hard copy of a document which cannot or should not be filed electronically. The document will be scanned as a PDF.

The term Adocument@ will include pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or to the court, whether or not the document is electronic or a hard or paper copy. AHard copy@ and Apaper copy@ are used interchangeably in these procedures.

The term AECF@ refers to the Court's Electronic Case Filing system. The term ACM/ECF@ is used interchangeably with the terms AECF@ and Asystem@ and refers to the Case Management/Electronic Case Filing system.

An AECF Filing User@ is an attorney who is registered to use the ECF site; a APacer User@ is a person only entitled to read the documents filed.

AElectronic filing@ means uploading a document in PDF format from a computer, to file that document in the court's case file using the court's Internet-based system. **Sending a document or pleading to the court via e-mail or facsimile does not constitute AElectronic filing.@**

The AE-Mail Address of Record@ is the Internet e-mail address of each party or attorney in the case as maintained by the Office of the Clerk.

The term ALocal Rules@ refers to the LOCAL UNIFORM CIVIL RULES OF THE UNITED STATES DISTRICT COURTS FOR THE NORTHERN DISTRICT OF MISSISSIPPI AND THE SOUTHERN DISTRICT OF MISSISSIPPI AND THE UNIFORM LOCAL CRIMINAL RULES OF THE UNITED STATES DISTRICT COURTS FOR THE NORTHERN DISTRICT OF MISSISSIPPI AND THE SOUTHERN DISTRICT OF MISSISSIPPI.

A ANotice of Electronic Filing@ (NEF) is generated automatically by the ECF system upon completion of an electronic filing. The Notice of Electronic Filing when e-mailed to the e-mail addresses of record in the case acts as the proof of service.

The term APACER@ refers to Public Access to Court Electronic Records, which is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts via the Internet.

The term APDF@ refers to Portable Document Format. A PDF document allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact.

ASealed access@ and/or Arestricted access@ means only certain individuals have access to view the electronic case files pursuant to case type and or order of the court.

E. Selection and Designation of Cases for ECF

Unless otherwise permitted by these administrative procedures or unless otherwise authorized by the assigned judge, all documents submitted for filing in this district after January 1, 2005, regardless of when a case was originally filed, will be filed electronically by the attorney or will be scanned and uploaded to the system by the Office of the Clerk. Parties proceeding *pro se* will not file electronically.

Section 2. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM

A. Eligibility

Attorneys admitted to practice in this court, including attorneys admitted under the *pro hac vice* provisions of the local rules of this district, must register as ECF Users. No other person may register as an ECF user, even if he or she is a party proceeding *pro se*.

B. Registration

1. Attorneys should register with the system electronically by accessing the on-line ECF Attorney Registration form at www.mssd.uscourts.gov. The form is similar to the **Attorney Registration Form**, attached as **Form 1**. Each attorney in a law firm must register individually.
2. Each attorney registering in the system will receive an Internet e-mail message after his or her password has been assigned. This is to insure that the attorney's Internet e-mail address has been entered correctly in the system and to convey the login and password information to the attorney.
3. An attorney's registration will constitute a waiver of conventional service of documents. The attorney agrees to accept service of notice of the electronic filing by authorized e-mail.
4. Attorneys are responsible for updating their mailing address and/or e-mail address on-line through the ECF system. If this change involves a firm name, contact the Office of the Clerk's Attorney Admission Clerk.

C. Passwords

Each attorney registered to participate in the system will be entitled to one system password. Attorneys may change their own passwords **but are advised not to change their login**.

Pursuant to FED. R. CIV. P. 11, every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) will be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers will be signed by the party. An attorney's password issued by the court combined with the user's

identification (login) serves as the attorney's signature for Rule 11 and other purposes. Attorneys should not permit other attorneys to use their login and password for any ECF filing. Therefore, it is imperative that an attorney protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney to immediately notify the court by calling the Office of the Clerk. In the event of the resignation or reassignment of the person with authority to use a password, the attorney should change the password immediately.

No attorney will knowingly permit his or her password to be utilized by anyone other than an authorized employee of his or her office. Once registered, the attorney will be responsible for all documents filed with his or her password. If the password is lost, the attorney must contact the Office of the Clerk.

D. Pro Hac Vice Application

Pursuant to L.U.Civ.R. 83.1(d)(4) a non-resident attorney, seeking to appear pro hac vice in a proceeding pending in a federal court of this state, must submit to local counsel the verified application (L.U.Civ.R. Form 6) accompanied by a certificate of good standing (L.U.Civ.R. Form 4) issued within ninety days. Local counsel will file the application on behalf of the non-resident attorney. The filer will be prompted to pay the non-refundable fee upon filing the Motion to Appear Pro Hac Vice. Once admitted, the attorney will apply for a login and password to the CM/ECF system.

Section 3. ELECTRONIC FILING OF DOCUMENTS

A. Filing

1. Unless otherwise permitted by these procedures or otherwise authorized by the assigned judge, all documents¹ submitted for filing in this district in civil and criminal cases, no matter when a case was originally filed, should be filed electronically by the attorney or scanned and uploaded to the system by the Office of the Clerk.

¹The requirement that all documents be filed electronically includes briefs, attachments and exhibits used in support of motions.

2. Electronically filed documents must meet the same requirements of format and page limits as documents Aconventionally filed@ (as defined in Definitions and Instructions) pursuant to the Federal Rules of Civil and Criminal Procedure and this Court's Local Rules.
3. In order to file a document which requires leave of court, such as an amended complaint or a document to be filed out of time, the proposed document may be attached as an exhibit to a motion. **If the motion is granted, the attorney must electronically file the proposed document as an independent document after entry of the court's order.**
4. Electronic transmission of a document consistent with the procedures adopted by the Court will, upon the complete transmission of the same to the Office of the Clerk, constitute filing of the document for all purposes of the Federal Rules of Civil and Criminal Procedure and the Local Rules of this Court, and will constitute entry of that document onto the docket maintained by the Clerk pursuant to FED. R. CIV. P. 79 and FED. R. CRIM. P. 55.
5. A receipt acknowledging that the document has been filed will immediately appear on the filer's screen. Parties can also verify the filing of documents by inspecting the court's electronic docket sheet. The Court may, upon the motion of a party or upon its own motion, strike any inappropriately filed document.
6. Filing documents electronically does not alter any filing deadlines. All electronic transmissions of documents must be completed (i.e., received completely by the Office of the Clerk) prior to midnight in order to be considered timely filed that day. Although parties may file documents electronically 24 hours a day, attorneys and parties are strongly encouraged to file all documents during the regular business hours of the Office of the Clerk, when assistance is available. Any document filed electronically will be deemed filed at the time and date stated on the NEF received from the Court.
7. All documents which form part of a single pleading and which are being filed at the same time may be electronically filed together under one document number, e.g., the motion and a supporting affidavit, with the exception of memoranda in support. **Memoranda in support will be electronically filed**

separately and shown as a related document to the motion pursuant to L.U.Civ.R. 7(b)(2).

8. In filing documents and attachments to documents, a filing party should electronically image, *i.e.*, Ascan, @ the paper exhibit and submit the exhibit as an attachment to the document in PDF format. There is a 35 megabyte limit on the size of each PDF document. The filing party should file the original document and each exhibit as a separate attachment, identifying attachments with a letter or number and a meaningful description pursuant to L.U.Civ.R. 7(b)(2). If necessary, continue to file any remaining exhibits using the event AAttachment@ until all have been electronically filed. Depending upon the file size and load on the system, you may experience delays in filing. Filing is complete **upon receipt** of the Notice of Electronic Filing (NEF).

B. Filing a Civil Complaint or Notice of Removal

1. **Civil Complaint:** A civil complaint may be submitted electronically on the CM/ECF system in PDF format using the procedures set forth in Appendix A. The required filing fee must be paid through the U. S. Treasury's internet credit card program (www.pay.gov) within the court's CM/ECF System and must accompany the complaint, civil cover sheet, exhibits, and summons. The Office of the Clerk will continue to accept original complaints and the required case opening documents by conventional filing, *i.e.*, a hard copy sent by mail or delivered in person to the Office of the Clerk at the proper division. When filed conventionally, the complaint **must be accompanied by the required filing fee or motion to proceed IFP** before the filing is completed.
2. **Notice of Removal:** A Notice of Removal, civil cover sheet, and all pleadings served on the defendant are required to be filed with the Notice of Removal. The Notice of Removal will be filed in the manner described above (B1) for civil complaints. Within 14 days after the initial filing of the Notice of Removal, the removing party must electronically file the entire state court record as a single filing. The State Court record need not be refiled if another party has previously done so. The parties shall within 14 days after the Case Management Conference, file as **separate docket items** any unresolved motions that were filed in state court which they wish to advance.

3. Service of the summons and complaint must be made in compliance with Rule 4 of the Federal Rules of Civil Procedure. A summons may be submitted to the Clerk's Office (a) electronically utilizing the procedures set forth in Appendix A or (b) conventionally. In either case, the summons will be issued conventionally and will be returned by regular mail upon receipt of a self-addressed stamped envelope or may be picked up at the front counter of the Clerk's Office. The party requesting the summons should utilize form AO-440 and complete the top portion thereof prior to submission to the Clerk's Office.
4. Any fee required for filing an initial pleading in the District Court is payable to the Clerk of the Court using www.pay.gov if filing electronically, or by check, money order, or cash if filing conventionally. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

C. Filing Criminal Charges

All criminal complaints, informations, indictments and requests for issuance of summons and warrants will be filed conventionally on paper with the Court. The Court will upload these documents into the system.

D. Signatures

1. When a document is filed using the attorney's electronic filing account, the attorney's name on a signature block constitutes his or her signature under Rule 11 of the Federal Rules of Civil Procedure 11 and is sufficient for all other purposes.
2. All documents which must contain original signatures, **other than those of a participating attorney**, or which require either verification or an unsworn declaration under any rule or statute, will be filed electronically, with originally executed copies maintained by the filer until all time periods for the appeal have expired.
3. **Endorsement by attorney:** In the case of a stipulation or agreed order or other document to bear the signature of two or more attorneys, a Notice of Endorsement may be required. **[See Form 2.]**

4. A judicial officer may sign a judgment or order using a “wet” or “ink” signature, or by means of an electronic signature in the format “s/ Jane Doe” or any variation thereof. A judicial officer may also issue routine orders as “TEXT ONLY” orders in the manner set forth in Section 5, A, below.

E. Title of Documents

The person electronically filing a pleading or other document will be responsible for designating a title for the pleading or other document by using one of the categories contained in the Events List in the CM/ECF Document Filing System.

F. Filing Deadlines

Filing documents electronically does not alter any filing deadlines or any time computation pursuant to FED. R. CIV. P. 6. All electronic transmissions of documents must be completed (i.e., received completely by the Office of the Clerk) prior to **midnight Central Standard (or Daylight Savings) Time**. For the filing to be **completed**, the filer must have received the Notice of Electronic Filing from the Court. Although documents can be filed electronically 24 hours a day, filers are strongly encouraged to file all documents during office hours when assistance is available. Any document filed electronically will be deemed filed at the time and date stated on the NEF received from the Court.

G. Errors in Filing

Once a document is submitted electronically, it becomes part of the Court file, and corrections may be made only by the Court and/or the Office of the Clerk. The system **will not permit** the filing party to make changes to the document(s) or docket entry once the transaction has been accepted, and the filer should **not** attempt to refile the documents(s).

If the filing party should discover an error, the party should contact the Office of the Clerk as soon as possible with the case number and document number for which the correction should be made. If appropriate, the Office of the Clerk will make an entry on the docket indicating that the document was filed in error, or otherwise describing the error. The Office of the Clerk will inform the filing party of the corrective steps which need to be taken.

Section 4. ELECTRONIC SERVICE OF DOCUMENTS

A. Service of Filed Documents on Parties

1. The system will generate a "Notice of Electronic Filing" when any document is filed. This notice represents service of the document on parties who are registered participants with the system. Except as provided in Section 6(A), regarding conventional filing, the filing party will not be required to serve any pleading or other documents on any party receiving electronic notice.
2. The filing party will also serve those parties not designated or able to receive electronic notice but who nevertheless are entitled to notice of the pleading or other document in accordance with the Federal Rules of Criminal and Civil Procedure and the local rules, except as otherwise provided by order of the Court. If such service of a paper copy is to be made, it will be done in the manner provided in the Federal Rules of Civil Procedures and the Local Rules.
3. A party may not electronically serve a summons and complaint, but instead must perfect service according to FED. R. CIV. P. 4.
4. Service by electronic mail will constitute service pursuant to FED. R. CIV. P. 5(b)(2)(E) and FED. R. CRIM. P. 49(b). *Note:* Fed R. Civ. P. 6(d) formerly afforded the party being served by electronic mail an additional three days within which to respond. However, an amendment to this rule eliminated the additional three day period of time for electronic service, effective December 1, 2016.
5. Service by electronic means is not effective if the party making service learns that the attempted service did not reach the person to be served.

B. Certificate of Service

No certificate of service is required where service is made using CM/ECF. However, when service is made by other means (such as upon a pro se litigant via U. S. Mail or hand delivery) a certificate is required. A sample Certificate of Service is attached as **Form 3**.

Section 5. ORDERS

A. Text Only Orders

The assigned judge or the Office of the Clerk, if appropriate, may grant routine orders by a text-only entry upon the docket. In such cases, no PDF document will issue and the entry will contain language that ANO FURTHER WRITTEN ORDER WILL ISSUE FROM THE COURT@. The text-only entry will constitute the Court's only order on the matter. A text-only order carries the same weight and authority as a written order signed by the judge. The system will generate a Notice of Electronic Filing for text-only entries as described in these procedures.

B. Proposed Orders Procedure

Pursuant to L.U.Civ.R 7.(b)(2)(F), moving parties will simultaneously provide a copy of a proposed order to the judge before whom a motion is pending. **Attorneys must not file proposed orders electronically as a separate pleading or as an attachment to a pleading.** Instead, all proposed orders must be **e-mailed** to the chambers of the appropriate judicial officer for the case. The proposed order must be in MICROSOFT WORD FORMAT. Proposed orders should be attached to an e-mail and sent to the appropriate judicial officer at the address listed below². The subject line of the e-mail message should indicate the case title, number, and document number of the motion, e.g., *Smith v. Jones 3:02-cv-1234, motion#*. The document will include the electronic signature(s) of the filing counsel and a signature line for the judge.

The submission of documents to bear the signature of two or more attorneys, should follow this procedure:

- (a) The submitting attorney will initially confirm that the content of the document is acceptable to all persons required to sign the document.
- (b) The submitting attorney then will email the proposed document to the presiding judge, indicating the signatories, e.g., As/ Jane Doe,@ As/ John Doe,@ etc. with a copy to all attorneys in the case.

² Chambers e-mail addresses for out-of-district judges who sit by designation in this district should be confirmed with the respective chambers.

- (c) If a hard copy of the document is generated, the filing attorney will retain the hard copy of the document containing the original signatures.

Chief Judge Daniel P. Jordan III	jordan_chambers@mssd.uscourts.gov
Judge Henry T. Wingate	wingate_chambers@mssd.uscourts.gov
Judge Keith Starrett	starrett_chambers@mssd.uscourts.gov
Judge Sul Ozerden	ozerden_chambers@mssd.uscourts.gov
Judge Carlton W. Reeves	reeves_chambers@mssd.uscourts.gov
Senior Judge William H. Barbour, Jr.	barbour_chambers@mssd.uscourts.gov
Senior Judge Tom S. Lee	lee_chambers@mssd.uscourts.gov
Senior Judge Walter Gex III	gex_chambers@mssd.uscourts.gov
Senior Judge David Bramlette III	bramlette_chambers@mssd.uscourts.gov
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Magistrate Judge Linda R. Anderson	anderson_chambers@mssd.uscourts.gov
Magistrate Judge F. Keith Ball	ball_chambers@mssd.uscourts.gov
Magistrate Judge John C. Gargiulo	gargiulo_chambers@mssd.uscourts.gov
Magistrate Judge Robert P. Myers, Jr.	myers_chambers@mssd.uscourts.gov

C. Proposed Case Management Plan Orders and Final Pretrial Orders

Proposed Case Management Plan Orders and Final Pretrial Orders, when required by the local rules or by the judicial officer assigned to the case, will be submitted by e-mail to the appropriate judicial officer at the chambers e-mail address listed above. A signature line for the judicial officer will be included.

D. Confidential Settlement Memoranda

Confidential Settlement Memoranda are not pleadings in the case and are not to be filed in the system. Such memoranda will be submitted by e-mail to the appropriate judicial officer at the chambers e-mail address listed above.

E. Entry of Orders

The Office of the Clerk or a judicial officer of the Court will enter all orders, decrees, judgments, and proceedings of the Court in accordance with the Electronic Filing Procedures, which will constitute entry of

the order, decree, judgment, or proceeding on the docket kept by the Office of the Clerk under FED.R.CIV.P. 58 and FED.R.CRIM.P. 55.

Section 6. CONVENTIONAL FILING OF DOCUMENTS

A. Conventional Filings. As used in these procedures, a conventionally filed or submitted document or pleading is one presented to the Office of the Clerk or a party on 8-1/2 inch by 11 inch paper or other non-electronic, tangible format; **documents filed conventionally should NOT be stapled or bound.** The Court may allow conventional filings to be submitted in PDF format and using such media as the court may designate. The following documents will be filed conventionally and not electronically unless specifically authorized by the court:

1. **Exhibits and other documents** which cannot be converted into a legible electronic format will be filed conventionally. The **Notice of Conventional Filing [Form 4]** document will be presented to the Office of the Clerk at the time of the filing of the exhibit.
2. **All sealed documents require a court order.**
 - (A) **CIVIL: L.U.Civ.R.79:** A Motion to Seal must be filed electronically. A proposed order should then be e-mailed to the appropriate judicial officer with the referenced document(s) attached. If permission to seal is granted, the sealed document(s), the Order granting the Motion to Seal, and the *Notice of Conventional Filing* [Form 4] must be submitted to the Office of the Clerk for filing.
 - (B) **CRIMINAL: U.L.Cr.R.49.1:** A Motion to Seal must be filed electronically. A proposed order should then be e-mailed to the appropriate judicial officer with the referenced document(s) attached. If permission to seal is granted, the sealed document(s), the Order granting the Motion to Seal, and the *Notice of Conventional Filing* [Form 4] must be submitted to the Office of the Clerk for filing.
3. **Documents filed by pro se litigants** will be filed conventionally.

B. Service of Conventional Filings

Pleadings or other documents which are filed conventionally rather than electronically will be served in the manner provided for in the Federal Rules of Civil Procedure and the local rules, except as otherwise provided by order of the Court.

Section 7. PUBLIC ACCESS TO THE SYSTEM

A. Public Remote Access Through PACER

Civil and Criminal cases: Public remote access to the system for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records (APACER@) system. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as docket sheets and filed documents. PACER users may access the system at the court's Internet site at ***www.mssd.uscourts.gov***. Such access to the system through the Internet site will allow retrieval of the docket sheet and documents. Unless a user has a CM/ECF filing level account, access to the system will be on a Read only@ basis.

Social Security cases: As noted in Section 10, only an attorney of record may remotely view records in social security cases. Public remote access will be limited to viewing docket sheets only.

B. Public Access at the Court

The public will have free electronic access for viewing of civil and criminal documents filed in the system in the Office of the Clerk during regular business hours. A copy fee for reproduction of documents is required in accordance with 28 U.S.C. '1914.

C. Conventional Copies and Certified Copies

Conventional copies and certified copies of the electronically filed documents may be obtained at the Office of the Clerk, during regular business hours. A list of fees is available on the court's website at ***www.mssd.uscourts.gov***.

Section 8. TECHNICAL FAILURES

A. The Court's System

The Office of the Clerk will deem the public website for the Southern District of Mississippi 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 that day, in which case filings due that day which were not filed due solely to such technical failures will become due the next business day.

Questions about the system failure may be directed to the Help Line at 1-866-517-7682.

When unable to file a document in a timely manner due to a failure of the Court's system, a document **may** be filed conventionally, and the filer will explain the conventional filing by attaching a **Declaration of Technical Difficulties** form [Form 5] to the document and submitting both documents to the Office of the Clerk for filing. The Office of the Clerk will file the pleading and the Declaration of Technical Difficulties as an attachment.

B. The Attorney's System

If the attorney is unable to file a document in a timely manner due to technical difficulties in the user's system, the attorney should file the document conventionally by submitting the document and the **Declaration of Technical Difficulties** [Form 5] to the Office of the Clerk.

Section 9. PRIVACY

The privacy provisions of these procedures must comply with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, which includes a goal of promoting electronic access to case files while still protecting personal privacy. In this regard, counsel will refrain from including, or will partially redact where inclusion is necessary and relevant to the case, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court:

1. **Social Security numbers.** If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.
2. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
3. **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used.
4. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.
5. **Home addresses in criminal cases to the city and state.** All addresses in criminal cases will be limited to the city and state.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may do so in accordance with Fed.R.Civ.P. 5.2 (f) - (h).

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review pleadings for compliance with this procedure.

Attorneys are also advised to exercise caution when filing documents that contain the following:

- (1) personal identifying number, such as driver's license number;
- (2) medical records, treatment and diagnosis;
- (3) employment history;
- (4) individual financial information; and,
- (5) proprietary or trade secret information.

Attorneys are strongly urged to share this notice with all clients so that an informed decision may be made about the inclusion of certain materials in court documents.

Counsel and the parties are cautioned that failure to redact personal identifiers and/or the inclusion of irrelevant personal information in a pleading or exhibit filed electronically with the Court may subject counsel to

the disciplinary and remedial powers of the Court, including sanctions pursuant to FED.R.CIV.P. 11(c).

Section 10. SOCIAL SECURITY CASES

In accordance with the recommendations of the Judicial Conference Committee on Court Administration and Case Management on Privacy and Public Access to Electronic Case Files, absent a showing of good cause, all documents, notices and orders in Social Security cases filed in the district court after the implementation of ECF will be filed and noticed electronically. The Internet access to Social Security cases will be limited to attorneys of record. The following procedures apply in Social Security reviews:

1. **TRANSCRIPTS:** The Administrative Record will be electronically filed and a copy made available to chambers upon request.
2. **RESTRICTED ACCESS:** Internet access to the individual documents in a Social Security review will be on a Restricted access@ basis, i.e., limited to counsel of record in the case and Court staff. Docket sheets will be available over the Internet to non-parties who will also have direct access at the Office of the Clerk's public terminal to the documents on file in the case. Pursuant to Fed.R.Civ.P. 5.2(c)(2) any person may have electronic access to an opinion, order, judgment, or other disposition of the court, but not any other part of the case file or the administrative record.
3. **SOCIAL SECURITY NUMBER:** It is the responsibility of counsel for plaintiff to provide the office of the U.S. Attorney the entire social security number of the plaintiff upon the filing of a new social security case.

Section 11. TRANSCRIPTS

Transcripts of proceedings will be electronically filed and remotely available to the public through PACER. Attorneys are urged to develop the trial record by excluding in testimony and documentary evidence the personal identifiers set forth in the E-Government Act of 2002 and in Section 9 of these procedures. Additional information regarding this policy is available on the court's website, www.mssd.uscourts.gov, under *Transcript Redaction Policy*.

APPENDIX A

Procedures for the Filing of Civil Case Opening Documents in CM/ECF By Attorneys in the Southern District of Mississippi

The Clerk's Office in the United States District Court for the Southern District of Mississippi now accepts civil case opening documents submitted electronically on the CM/ECF system in PDF format.

Types of Documents Accepted. Documents accepted by this means include, primarily, any new civil Complaint as defined by Rule 3 of the Federal Rules of Civil Procedure or any new Notice of Removal under 28 USC § 1446, together with any exhibits, a completed civil cover sheet, and any summons or summonses sought to be issued. In addition, when an Answer is due on the same day as the Notice of Removal or within a short time thereafter, the Answer may be appended to the Notice of Removal as an attachment. Upon filing of the Notice of Removal, the Answer will be deemed filed as of that same date and will be separately docketed when the case is opened in CM/ECF. If an attorney submits other, non-case opening documents or pleadings, those pleadings will be rejected, and the attorney will be contacted by the Clerk's Office and instructed to electronically file them using the correct case number in CM/ECF once the case is officially opened. All documents must be submitted in PDF format.

Payment of Filing Fee. To utilize this feature, payment of the appropriate filing fees must be submitted through the U. S. Treasury Internet credit card program (www.pay.gov) within the court's CM/ECF system. The proper filing fee paid through www.pay.gov must accompany case opening documents.

Available Only to Attorneys Admitted to Practice in our Court. Only attorneys admitted to practice in the Southern District of Mississippi are allowed to file new cases electronically.

New Cases Are Still Accepted in Paper at the Counter and by Mail. The Clerk's office will continue to accept and process new cases filed conventionally either in person or by mail. Those procedures and payment options have not changed and are still available to both attorneys and pro se litigants.

Date and Time of Filing. New cases submitted using this procedure will be deemed filed the day the Clerk's Office receives the initiating document and the required filing fee, although official case opening in CM/ECF may not take place until the following day.

Judge and Case Number Assignments Will Still be Made by the Clerk's Office. Upon verification that the proper fee has been paid, the Clerk's Office will assign a District Judge and a Magistrate Judge in accordance with Internal Rule No. 1, assign an official case number, and enter the initiating document(s) in CM/ECF. The submitting attorney will then receive a Notice of Electronic Filing (NEF) containing the official case number and listing the assigned judges. The case number contained in this NEF will be the official case number for the matter and must be used on all further filings in the case.

Summons. Although summons(es) may be submitted electronically as attachment(s) to the complaint, they will still be issued by the Clerk's Office conventionally - that is, in paper. Attorneys must still prepare and submit a summons or summonses to the Clerk's Office for issuance in the form promulgated by the Administrative Office of U. S. Courts. Once the case is opened, the summons will be issued by the Clerk's Office and will be returned to the filing attorney by regular mail (upon receipt of a self-addressed stamped envelope), or may be picked up at the front counter of the Clerk's Office. Service of the summons and complaint must still be made under Rule 4 of the Federal Rules of Civil Procedure.

Attorney Case Filing Procedure. To file a new civil case electronically, the attorney will:

1. Log in to CM/ECF using his or her assigned username and password.
2. Click on the "Civil" tab in the blue menu bar.
3. Click on one of the following links corresponding to the division in which the case is to be filed:

Open a New Civil Case (Northern Division)
Open a New Civil Case (Southern Division)
Open a New Civil Case (Eastern Division)
Open a New Civil Case (Western Division)

Pay careful attention to this step and be sure to select the correct division for the case. Cases filed in the wrong division are subject to dismissal by the presiding judge.

4. Highlight Civil Case Request by Attorney.

5. Follow all prompts.
6. Attach the Complaint or Notice of Removal as the main initiating document.
7. Attach all supporting documents, proposed summons(es), and the civil cover sheet **as separate exhibits to the complaint or notice of removal**. Please do not combine the complaint, civil cover sheet, exhibits and summons as one single document. Additionally, with a Notice of Removal, all pleadings served on the defendant in the state court below should be attached as an exhibit and the entire state court record must be filed as a separate document within 14 days after the Notice of Removal is filed.
8. Pay the proper filing fee using www.pay.gov when prompted.

Upon completion of the filing transaction, the Clerk's Office will open the case and the filing attorney will receive a Notice of Electronic Filing (NEF) confirming the case number and judge assignment. The case number received in this NEF will be the official case number for the case and must be used on all further filings in the case.

For assistance, please contact Chief Deputy Clerk Sandra Campbell at 601-608-4000.

**United States District Court
Southern District of Mississippi**

**Case Management/Electronic Case Filing
Attorney Registration Form**

This form will be used to register for an account on the Court's Case Management/Electronic Case Files (CM/ECF) system. Registered attorneys will have privileges both to electronically submit documents, and to view and retrieve electronic docket sheets and documents for all cases assigned to the CM/ECF system. The following information is required for registration:

First/Middle/Last Name _____

Last four digits of Social Security Number _____

Are you admitted to practice and in good standing in the Southern District of Mississippi? _____

Attorney Bar #: _____ State: _____

Firm Name: _____

Primary Address: _____

Voice Phone Number: _____

FAX Phone Number: _____

Internet E-Mail Address: Primary: _____

Secondary: _____

Secondary: _____

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. This system is for use only in cases permitted by the U.S. District Court for the Southern District of Mississippi. It may be used to file and view electronic documents, docket sheets, and notices.
2. Pursuant to Federal Rule of Civil Procedure 11, every pleading, motion, and other paper (except list, schedules, statements or amendments thereto) will be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers will be signed by the party. An attorney's password issued by the court combined with the user's identification, serves as and constitutes the attorney signature. Therefore, an attorney must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney to immediately notify the court. This should include the resignation or reassignment of the person with authority to use the password. The attorney should change the password immediately.
3. An attorney's registration will constitute a waiver of conventional service of documents. The attorney agrees to accept service of notice on behalf of the client of the electronic filing by hand, facsimile or authorized e-mail.
4. The undersigned attorney agrees to abide by the most recent General Orders, Administrative Procedures for Electronic Case Filing, and all technical and procedural requirements set forth therein.

Please return to : Arthur S. Johnston, Clerk
 501 E. Court Street
 Suite 2.500
 Jackson, Mississippi 39201
 Attention: CM/ECF Registration

Applicant's Signature

Initial of First Name + Last Name + Last 4 Digits SS#

SAMPLE FORMAT

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

DIVISION

_____,)
)
Plaintiff(s),)
)
vs.) Case No. _____
)
_____,)
)
Defendant(s).)

NOTICE OF ENDORSEMENT

Pursuant to the ECF Administrative Procedures, I hereby certify that I endorse the inclusion of my signature on the following document [for example: stipulation of dismissal, or joint motion] which was filed electronically on _____:

(Title of document)

Attorney for (Plaintiff or Defendant)

Address: _____

Date: _____

SAMPLE FORMAT

Certificate of Service

I hereby certify that on _____ (Date) _____ I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following: _____ and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants: _____.

s/ _____

SAMPLE FORMAT

***IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
DIVISION***

_____)	
)	
Plaintiff(s),)	
)	
vs.)	Case No. _____
)	
_____)	
)	
Defendant(s).)	

NOTICE OF CONVENTIONAL FILING

G (Title of document here) is in paper form only and is being electronically filed under seal/or restriction by the Office of the Clerk pursuant to order filed on _____. This document has been manually served on all parties.

OR

G (Title of document here) cannot be filed electronically. This document has been manually served on all parties.

Attorney for (Plaintiff or Defendant)
Address: _____

Date: _____

SAMPLE FORMAT

***IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
DIVISION***

_____,)
)
Plaintiff(s),)
vs.) Case No. _____
_____,)
)
Defendant(s))

DECLARATION OF TECHNICAL DIFFICULTIES

Please take notice that _____ was unable to file _____ in a timely manner due to technical difficulties. The deadline for filing the _____ was _____.

The reason(s) that I was unable to file the _____ in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform]

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

s/[Name of Password Registrant] _____
Name of Password Registrant
Address
City, State, Zip Code
Phone: XXX-XXX-XXXX
Fax: XXX-XXX-XXXX
E-mail: XXX@XXX.XXX