

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**



**Administrative Procedures for
Electronic Case Filing**

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

November 15, 2021

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ADMINISTRATIVE PROCEDURES

I) INTRODUCTION AND SCOPE OF ELECTRONIC FILING

In the United States District Court for the Northern 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 permits properly registered attorneys to file documents and to view and search court records from any location through the Court's Case Management and Electronic Case Filing (CM/ECF) system, 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.msnd.uscourts.gov and should be referenced there for most 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 ["Local Rules"] mandate electronic filing in conjunction with Rules 5(c) and 83 of the Federal Rules of Civil Procedure and Rule 57 of the Federal Rules of Criminal Procedure. These rules direct the courts to establish practices and procedures for the filing, signing, and verification of documents by electronic means. The following procedures 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 through the Court's CM/ECF system. While all parties, including those proceeding pro se, may register with PACER to receive "read only" accounts, only registered attorneys, as officers of the court, are permitted to file electronically. Pro Se (Non-Prisoner) parties may consent to receive documents electronically. [attached below]

C) Training and Technical Assistance

These procedures govern electronic filing in the Northern District of Mississippi and are not intended as a technical guide for the use of the system. Procedures and instructions for using the court's ECF system consistent with the policies set forth herein are located on the Court's website at www.msnd.uscourts.gov.

D) Definitions and Instructions

- 1) The term “conventional filing” means presentation to the Office of the Clerk of a hard copy of a filing which cannot or should not be filed electronically. [See Section VI - Conventional Filing of Documents]
- 2) The term “document” includes pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or to the court, whether the document is electronic or a hard or paper copy. “Hard copy” and “paper copy” are used interchangeably in these procedures.
- 3) The term “ECF” refers to the Court’s Electronic Case Filing system. The term “CM/ECF” is used interchangeably with the terms “ECF” and “system” and refers to the Case Management/Electronic Case Filing system.
- 4) An “ECF Filing User” is an attorney who is registered through PACER to use the ECF system and is authorized to file documents electronically.
- 5) A “Pacer User” is a person who is only entitled to read the documents filed in a case through PACER and may not file documents electronically through CM/ECF.
- 6) “Electronic filing” means uploading a document in PDF format to file that document in the case using the court’s CM/ECF system. Sending a document or pleading to the court via e- mail or facsimile is not an “electronic filing.”
- 7) The “E-Mail Address of Record” is the e-mail address of each party or attorney in the case that corresponds with their PACER account.
- 8) The term “Local 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.
- 9) A “Notice of Electronic Filing” (NEF) is generated automatically by the CM/ECF system upon completion of an electronic filing. The NEF, when sent to the e-mail addresses of record in the case, acts as the proof of service.
- 10) The term “PACER” 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 www.pacer.uscourts.gov.

- 11) The term “PDF” 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.
- 12) “Sealed access” and/or “restricted access” means only certain individuals have access to view the electronic case files. This may be due to the nature of the case or because the Court has ordered that sealed or restricted access should apply to a particular document or case.

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 must be filed electronically by the attorney. Pro se filings will be uploaded to the system by the Office of the Clerk – parties proceeding pro se may not file electronically.

II) 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, may register as ECF Filing Users. No other person may register as an ECF Filing User, even if they are a party proceeding pro se.

B) Registration

- 1) Attorneys should register for electronic filing privileges through their PACER account. Each attorney in a law firm must register individually.
- 2) An attorney’s registration constitutes waiver of conventional service of documents. By registering, the attorney agrees to accept service of the Notice of Electronic Filing by e-mail.
- 3) Attorneys are responsible for updating their mailing address and e- mail address through their PACER account.

C) Passwords

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 combined with the user’s identification (login) serves as the attorney’s signature for Rule 11 and other purposes. Attorneys will not allow other attorneys to use their login and password for any ECF filing. It is imperative that all attorneys protect and secure their passwords. In the event of the resignation or reassignment of the person with authority to use a password, the attorney should change their password immediately through PACER.

No attorney will knowingly permit his or her password to be utilized by anyone other than an authorized employee of their office. Once registered, attorneys will be responsible for all documents filed with their password.

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 issued within ninety (90) days of the date of the application by the licensing authority for all states, as well as the District of Columbia, where the applicant has been admitted to practice law. 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 pro hac vice attorney will register for e-filing through PACER.

III) 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, must be filed electronically by the attorney. Documents filed by parties proceeding pro se will be scanned and uploaded to the system by the Office of the Clerk.
- 2) Electronically filed documents must meet the same requirements of format and page limits as documents “conventionally 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 the case of documents requiring leave of court before filing, such as an amended complaint or a document to be filed out of time, the filing attorney may attach the proposed document as an exhibit to a motion requesting such leave. 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 that complies with these procedures will, upon the completed transmission through CM/ECF, constitute filing of the document for all purposes of the Federal Rules of Civil and Criminal Procedure and the Local Rules of

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

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, or Notice of Electronic Filing (NEF), will immediately appear on the filer's screen upon successful submission of the filing. Parties can also verify the filing of documents by reviewing 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 from the docket.
- 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 convert all documents to a PDF format. There is a maximum limit on the size of each PDF document which will be accepted at one time by the CM/ECF system. 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, due to size limitations, the attorney may need to continue to file any remaining exhibits using the event "Exhibits to Other Document" 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 by the CM/ECF system in PDF format. The required filing fee or motion to proceed IFP must accompany the complaint, civil cover sheet and summons. Payment of the required filing fee must be submitted through the U.S. Treasury internet credit card program (www.pay.gov) within the court's CM/ECF system at the time of submission. Electronic filing is strongly encouraged, however 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 Oxford Division. Conventional filings are not accepted in Greenville or Aberdeen.

- 2) **Notice of Removal:** A Notice of Removal must be accompanied by the state court complaint and will be filed in the manner described above (B1) for civil complaints. Pursuant to L.U.CIV.R. 5(b) the removing defendant must electronically file a copy of the entire state court record within 14 days of the date of removal. The state court record will be filed using the event “State Court Record – Removal.” The Notice or Certificate of Filing State Court Record will serve as the main document, with each state court document attached as separate PDF(s). All attachments must be clearly identified. The state court record cannot be filed conventionally. The parties will, 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 summons and complaint must comply with Rule 4 of the Federal Rules of Civil Procedure. Summons will be issued by the Office of the Clerk. The party requesting the summons must complete the top portion of the summons form (current form AO-440) and email it to ecf_information@msnd.uscourts.gov for issuance. The issued summons will be returned by email for service.
- 4) Any fee required in this court is payable to the Clerk of the Court by law firm check, money order, debit, or major credit card. 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) A pleading or document requiring an attorney’s signature will be signed in the following manner: s/Jane Doe.
- 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, agreed order, or other document to bear the signature of two or more attorneys, a Notice of Endorsement may be required.

- 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 V(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) 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 enter a “Notice of Correction” 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.

IV) 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 VI(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 entitled to notice of said 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).
- 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 being 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 below.

V) ORDERS

A) Text Only Orders

The assigned judge may enter 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 “NO 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. Except when directed by the Court, 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 MS WORD FORMAT. Proposed orders should be attached to an e-mail and sent to the appropriate judicial officer at the address listed below.² 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. Documents to bear the signature of two or more attorneys, should follow these procedures:

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

- 1) The filing attorney will initially confirm that the content of the document is acceptable to all persons required to sign the document.
- 2) The filing attorney will then email the proposed document to the presiding judge, indicating the signatories, e.g., “s/Jane Doe,” “s/John Doe,” etc., with a copy to all attorneys in the case.
- 3) If a hard copy of the document is generated, the filing attorney will retain the hard copy of the document containing the original signatures.

4) Email Addresses:

Judge Sharion Aycock	Judge_Aycock@msnd.uscourts.gov
Judge Neal B. Biggers, Jr	Judge_Biggers@msnd.uscourts.gov
Judge Debra M. Brown	Judge_Brown@msnd.uscourts.gov
Judge Glen H. Davidson	Judge_Davidson@msnd.uscourts.gov
Judge Michael P. Mills	Judge_Mills@msnd.uscourts.gov
Magistrate Judge Roy Percy	Judge_Percy@msnd.uscourts.gov
Magistrate Judge David Sanders	Judge_Sanders@msnd.uscourts.gov
Magistrate Judge Jane M. Virden	Judge_Virden@msnd.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 of Court 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.

VI) 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 certain conventional filings to be submitted in PDF format. 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 [See L.U.CIV.R. Form 2f] document will be electronically filed, and a copy of the form will be presented to the Office of the Clerk at the time of the conventional filing of the exhibit.
- 2) All sealed documents require a court order. The Motion to Seal is filed electronically and a proposed order submitted via email to the Judge. The Motion to Seal is a public document unless otherwise ordered. If permission to seal is granted, the sealed documents must be filed with the Office of the Clerk by emailing the sealed documents in PDF format to the Office of the Clerk at ecf_information@msnd.uscourts.gov and electronically filing a Notice of Conventional Filing [See L.U.CIV.R. Form 2f]

Government motions filed pursuant to Fed. R. Crim. P. 35 or Section 5K1.1 of the United States Sentencing Guidelines or 18 U.S.C. 3553(e) will be filed under seal without prior leave of court.

- 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.

VII) PUBLIC ACCESS TO THE SYSTEM

A) Public Remote Access Through PACER

- 1) **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 (“PACER”) 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.msnd.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.

2) Social Security cases: As noted in Section X, only an attorney of record may remotely view records in social security cases.

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) Certified Copies

Certified copies of 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.msnd.uscourts.gov.

VIII) TECHNICAL FAILURES

A) The Court's System

The Office of the Clerk will deem the public website for the Northern 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.

For questions about system failure call the Office of the Clerk at 662-234-1971.

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 [attached below] to the document and emailing 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 emailing said document along with the Declaration of Technical Difficulties, [attached below], to the Office of the Clerk.

IX) 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 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 and pro se parties 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).

X) 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:

A) Transcripts:

The Administrative Record will be electronically filed, and a copy made available to chambers upon request.

B) 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 through PACER 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.

C) 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.

XI) 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 IX of these procedures. Additional information regarding this policy is available on the court’s website, www.msnd.uscourts.gov under Transcript Redaction Policy.

APPENDIX A – Case Opening Electronic Filing Procedures

Case opening documents should be submitted electronically on the CM/ECF system in PDF format. Payment of the appropriate filing fees must be submitted through the U.S. Treasury's Pay.gov within the court's CM/ECF system. The proper filing fee or "Motion to Proceed Without Prepayment of Fees and Affidavit" must accompany case opening documents. **Only attorneys admitted in the Northern District are allowed to file new cases electronically.** Electronic filing is strongly encouraged, however the Clerk's Office will continue to accept new cases filed conventionally either in person or by mail.

Only case opening documents may be submitted when opening a new case. If an attorney submits other pleadings, the attorney will be contacted by the Clerk's Office, and instructed to electronically file the pleading to the correct case number.

New cases are generally deemed filed the day the Clerk's Office receives the initiating document and the required filing fee. Upon verification that the proper fee has been paid, or when a "Motion to Proceed without Prepayment of Fees and Affidavit" has been filed, the Clerk's Office will draw a Judge, assign a case number, and enter the opening documents in the case. The submitting party will then receive a Notice of Electronic Filing (NEF) confirming the case number and judge assignment.

Service of summons and complaint must comply with Rule 4 of the Federal Rules of Civil Procedure. The summons will be issued by the clerk's office and returned by email to the attorney for service.

Attorney Case Filing Procedures³

- Attorney must log into CM/ECF > Click Civil on the blue menu bar > Click on the link: File a New Civil Case or a Notice of Removal > Highlight Civil Case Request by Attorney
- Follow all prompts - The proper filing fee or "Motion to Proceed IFP" must be filed
- Attach the initiating document (Complaint or Notice of Removal) as the main document
- Attach all exhibits, supporting documents, proposed summons and the civil cover sheet as separate documents. In a removal case, the state court complaint is required and must be attached as a separate document.
- The attorney will be prompted to pay the filing fee through pay.gov
- 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.

³ For assistance, contact the Clerk's Office by email at ecf_information@msnd.uscourts.gov or by phone in Oxford at 662-234-1971 or Aberdeen at 662-369-4952.

Certificate of Service

S A M P L E F O R M A T

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/ _____

Declaration of Technical Difficulties

S A M P L E F O R M A T

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
_____ DIVISION

_____ PLAINTIFFS
V. CAUSE NO. #:##-CV[R]-##-XXX-XXX
_____ DEFENDANTS

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
E-mail: XXX@XXX.XXX

Pro Se Consent and Registration to Receive Documents Electronically

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

Pro Se (Non-Prisoner)

Consent & Registration Form to Receive Documents Electronically

Pursuant to FED.R.CIV.P. 5(b), and FED.R.CIV.P. 77(d), L.U.CIV.R. 5(c) and the Court's Administrative Procedures for Electronic Case Filing, documents may be served through the court's transmission facilities by electronic means. Documents that are not permitted to be served electronically are pleadings that are to be served with process under FED.R.CIV. P. 4.

I _____ hereby consent to receive service of documents and notice of electronic filings via the Court's electronic filing system to the extent and in the manner authorized by the above rules and waiving the right to receive notice by first class mail pursuant to FED.R.CIV.P. 5(b)(2)(D) and FED.R.CIV.P. 77(d).

I will promptly notify the Court if there is a change in my personal data, such as name, address, and/or e-mail address. I will promptly notify the Court to request cancellation of electronic service.

Litigants who have consented to receive documents electronically will be sent a Notice of Electronic Filing (NEF) via e-mail. Upon receipt of the notice, they are permitted one "free look" at the document by clicking on the hyperlinked documents. The one "free look" will expire 15 days from the date the notice was sent. After the "free look" is used or expires, the document can only be accessed through PACER (Public Access to Court Electronic Records.) It is recommended that litigants establish a PACER account. This can be accomplished by visiting the PACER website at www.pacer.gov. PACER is an automated system that allows an individual to view, print, and download documents for a fee.

My e-mail address is: _____

My case number is: _____

Signature of Litigant

Date

Mailing Address

City, State, Zip Code