

**RULES OF
PRACTICE AND PROCEDURE**

of the

**UNITED STATES
DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF NORTH CAROLINA**

Effective June ~~21~~, 202~~1~~2

LR 1.1 SCOPE AND PURPOSE OF RULES

These local rules govern practice in the District Court for the Middle District of North Carolina consistent with the Federal Rules of Civil Procedure. These rules shall be interpreted and applied to foster civility in the practice of law before this Court, and to promote the just and prompt determination of all proceedings.

LR 5.1 ADDITIONAL COPIES FOR COURT USE

~~Because the official record is the electronic docket, additional paper copies of documents are required only as required by the presiding Judge as set out on the Judicial Preferences page of the Court's website at <https://www.ncmd.uscourts.gov/judicial-preferences-summary> or when directed by the Court in a particular case. Unless a Judge has specified otherwise, a paper copy of the following documents shall be delivered or mailed to the clerk for use by the Court within two business days after the original is filed:~~

- ~~(1) — a brief;~~
- ~~(2) — proposed findings of fact and conclusions of law;~~
- ~~(3) — requests for jury instructions; and~~
- ~~— (4) — any pleading which has an appendix and/or tabs.~~

LR 5.2 FILINGS WITHIN THREE DAYS OF SCHEDULED HEARINGS

A party who files documents which relate to a matter noticed for hearing within the next three business days shall so advise the clerk.

LR 5.3 ELECTRONIC FILING OF DOCUMENTS

(a) Electronic Filing Required. Except as expressly provided by this rule or in the exceptional circumstances preventing electronic filing, all documents shall be filed electronically.

- (1) The following are exempted from the requirement of electronic filing:
 - (a) Sealed and Qui Tam Cases;
 - (b) Pretrial hearing and trial exhibits;
 - (c) Consent to Proceed before Magistrate Judge;
 - (d) All pleadings and documents filed by pro se litigants (prisoner and non-prisoner);

LR 83.6 CLAIM OF UNCONSTITUTIONALITY; THREE-JUDGE COURTS

(a) **Notification.** If at any time prior to the trial of an action to which (1) neither the United States nor any of its officers, agencies, or employees is a party and a party draws in question the constitutionality of an act of Congress affecting the public interest, or (2) neither the state nor any of its agencies, officers, or employees is a party and a party draws in question the constitutionality of any statute of that state affecting the public interest, that party, to enable the Court to comply with 28 U.S.C. §§ 2403, shall notify the Court. The notice shall be in writing, stating the title of the action, the statute in question, and the respects in which it is claimed the statute is unconstitutional, and a copy shall be served upon the Attorney General of the United States and the United States Attorney in this district or the North Carolina Attorney General, as applicable.

(b) **Additional Copies.** In any action or proceeding required by act of Congress to be heard and determined by a district court of three judges, all pleadings, papers, and documents filed subsequent to the designation of the Court, as provided in 28 U.S.C. §§ 2284(a), shall be filed in triplicate, original and two copies, with the clerk. The clerk shall make timely distribution of these documents to the designated judges.

LR 83.7 PHOTOGRAPHS, RECORDINGS, AND BROADCASTS

Radio, television, Internet broadcasting and the use of photographic, electronic, or mechanical reproduction or recording equipment is prohibited in courtrooms or their environs. "Environs" is defined to mean the courtrooms, the offices of the Judges, Clerk, probation officers, or any corridor connecting or adjacent thereto, and the corridor or lobby on the main or street floor constituting an entrance area to the building in which is located any elevator door/or elevators leading from such entrance of the building to any such floor. Ceremonial proceedings such as the administration of oaths of office to appointed officials of the Court, naturalization, and presentation of portraits, may be photographed in or broadcast from the courtroom under the supervision of the Court. Pursuant to Standing Order No. 2, attorneys may request Court permission to bring certain electronic devices into courtrooms or their environs by obtaining an Electronic Device Request and Acknowledgment Form from the clerk's office. However, attorneys may not use such devices to photograph, audio record, verbatim reproduce or broadcast any proceedings. Nothing in the Local Rule shall prohibit any Judge from entering any order in connection with a particular proceeding.

LR 83.8 COURTROOM SECURITY

(a) The United States Marshal or a Court Security Officer shall be present at all proceedings held in open court, unless otherwise ordered by the Court.