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)   The state court record and other Rule 5 materials in habeas corpus cases filed in 28 U.S.C. §2254 proceedings;

(c)   Administrative records and transcripts in Social Security cases and transcripts or voluminous exhibits in other administrative review proceedings. (Pursuant to Local Rule 79.3 the Social Security administrative record will be returned to counsel at the conclusion of the case.);

(bd)   Pretrial hearing and trial exhibits;

(ce)   Consent to Proceed before Magistrate Judge;

(df)   All pleadings and documents filed by pro se litigants (prisoner and non-prisoner);

(eg)   The charging document in a criminal case, such as the complaint, indictment, and information, as well as the criminal synopsis form;

(fh)   Applications/Affidavits for search and arrest warrants and related papers;

(gi)   CJA 23 Financial Affidavit;

(hj)   Fed.R.Crim.P. 20 and Fed.R.Crim.P.5 papers received from another court; and

(ik)   Any pleading or document in a criminal case containing the signature of a defendant, such as appearance bonds, Orders Setting Conditions of Release, a waiver of indictment or plea agreement, letters from a defendant requesting specific relief.; and

(l)   Petitions for violations of supervised release.

(2)   An attorney may for good cause apply to the assigned Judge for permission to file documents conventionally. Even if the assigned Judge initially grants an attorney permission to file documents conventionally, the assigned Judge may withdraw that permission at any time during the pendency of a case and require the attorney to file documents electronically using the System.

(b)   **Significance of Electronic Filing.**

(1)   Any document electronically filed or converted by the Clerk's Office to electronic format is the official record of the Court.

(c)   Registration for Electronic Filing.

(1)   Attorneys admitted to the bar of this Court and those making a special appearance pursuant to LR 83.1(d), shall register as filing users of the Court's CM/ECF system prior to filing any pleadings. Registration shall be submitted on an Attorney Registration Form, a copy of which is on the Court's web page (www.ncmd.uscourts.gov.) To be properly included on a case's docket sheet as an electronic filer, attorneys should electronically file a notice of appearance or a pleading.

(2)   Upon the approval of the assigned Judge, a party to a case who is not represented by an attorney may register as an CM/ECF Filing User in the CM/ECF System solely for the purpose of the action.

(3)   Registration constitutes consent to service of all documents by electronic means as provided in these procedures.

(4)   Within ten days after receiving their initial password, attorneys must select a new password of their own choosing. Filing Users agree to protect the security of their passwords, and, if an attorney believes the security of an existing password has been compromised, the attorney must change their password immediately.

(d)   Filing and Service of Civil Case Opening Documents

(1)   Except for cases requesting to be placed under seal, cases shall be filed electronically using CM/ECF with filing fees being paid online using a credit card.

(2)   Counsel should complete the summons form in Adobe interactive format, which is located on the Court's website, and e-mail it to newcases@ncmd.uscourts.gov for issuance.

(3)   When filing a case with a motion for a temporary restraining order (TRO), the filing attorney shall notify the Clerk of Court by phone that a motion for TRO will be filed and submit the proposed TRO to clerk@ncmd.uscourts.gov.

(e)   Signatures

(1)   ~~The electronic filing of complaints, petitions, pleadings, motions, or other documents by an attorney who is a registered participant in the Electronic Case Filing System shall constitute the signature of that attorney under Federal Rule of Civil Procedure 11.~~

~~(2)   The name of the CM/ECF user under whose log-in and password the document is submitted must be preceded by a "/s/" and typed in the space where the signature would otherwise appear.~~

~~(3)~~   If an attorney scans and files a document with original signatures and the attorney believes the signatures have intrinsic value, the attorney shall retain the original document until two (2) years after the expiration of the time for filing a timely appeal of a final judgment or decree, or after receipt by the Clerk of Court of an order terminating the action on appeal.

(2~~4~~)   The filing user of any document requiring more than one signature (e.g., pleadings filed by visiting lawyers, stipulations, joint status reports) must include either an image of the other signatures or an "/s/" before the typed name where the signature would otherwise appear. By submitting such a document, the filing attorney certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the filing attorney has their actual authority to submit the document electronically.

(f)   Entry of Court Orders.

(1)   All orders, decrees, judgments, and proceedings of the Court will be filed electronically by the Court or Court personnel in accordance with these rules, which will constitute entry on the docket kept by the clerk. Orders may be issued as "text-only" entries on the docket, without an attached document. Any order filed electronically has the same force and effect as if the Judge had signed a paper copy of the order and it had been entered on the docket in a conventional manner.

(2)   In accordance with Local Rules 7.3(j) and 77.2, a moving party shall submit to the District Judge after filing a motion for which no supporting brief is required, a proposed order granting the motion and setting forth the requested relief. The proposed order should be docketed as an attachment to the motion and a copy e-mailed to the appropriate Judge's e-mail address as specified in the NCMD CM/ECF Administrative Policies and Procedures Manual.

(3)   Proposed orders on motions for enlargements of time made pursuant to Local Rule 77.2, requests for entry of default and proposed temporary restraining orders in new cases should be filed as an attachment and shall be e-mailed to clerk@ncmd.uscourts.gov. No other documents or pleadings may be sent to the Clerk's Office at this e-mail address.

(g)   Technical Failures.

(1)   A technical failure does not relieve a party of exercising due diligence to timely file and serve documents. The Clerk's Office shall deem the Court's CM/ECF site 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 10:00 a.m. Eastern Time that day. Known systems outages will be posted on the Court's web page, if possible.

(2)   If the Court's CM/ECF site experiences a technical failure, a Filing User may submit documents to the Court that day in an alternate manner provided that the documents are accompanied by the Filing User's affidavit stating that the Filing User attempted to file electronically at least two times in one hour increments after 10:00 a.m. that day.

(h)   Text Searchable Documents. Any document, including attachments and exhibits, filed in CM/ECF should be in a text searchable format.