

THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

IN THE MATTER OF UNSEALING
SOME MAGISTRATE JUDGE (MJ-
DESIGNATED) CASES FILED
BETWEEN JANUARY 1, 2012, AND
JULY 31, 2022

GENERAL ORDER
22-014

Under 28 U.S.C. § 636, Fed. R. Crim. P. 3, and DUCrimR 57-15, a magistrate judge may receive a criminal complaint. The complaint is filed in a magistrate judge case (mj case), which is often merged into a criminal case (cr case). Under DUCrimR 49-2(b), however, the United States Attorney's Office for the District of Utah (United States) may request the clerk to seal the case associated with the criminal complaint.

Yet, the records of the court are presumptively open to the public. Consistent with the presumptive public right of access to court records, the Court must ensure that a temporarily sealed case or complaint (or charging document) are unsealed at the appropriate time.

IT IS HEREBY ORDERED that:

1. On August 1, 2022, the Clerk's Office provided a list of sealed mj cases and complaints filed between January 1, 2012, to July 31, 2022, to the United States.
2. The United States must:
 - a. review the list to determine whether the seal on a case, complaint, or both, should remain in place; and

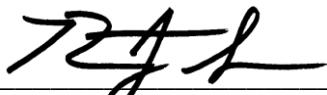
b, identify for the Federal Defender's Office for the District of Utah (FDO) the cases, complaints, or both on the list that will be unsealed.

3. By October 3, 2022, the United States or FDO may file a motion to continue the seal identifying any mj case or complaint that should remain sealed or be otherwise protected. The motion must identify the mj case, complaint, or both that should remain sealed or be otherwise protected and the statute, rule, case law, or other basis permitting the court to continue the seal. The motion must be accompanied by a proposed order. The court may order the case, document, or both remain sealed after making case-specific findings.

4. If a motion has not been filed, the Clerk's Office is ordered to unseal the mj cases and complaint (or charging document), identified on the list referenced in paragraph 1, and make them publicly available by no later than December 15, 2022.

SO ORDERED this 19th day of August, 2022.

BY THE COURT:



ROBERT J. SHELBY
CHIEF UNITED STATES DISTRICT JUDGE