
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

IN THE MATTER OF ANNUALLY REVIEWING AND UNSEALING SOME MAGISTRATE JUDGE (MJ- DESIGNATED) CASES	GENERAL ORDER 22-015
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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.

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. Commencing on September 1, 2022, when a cr case or complaint (or charging document) merged from the mj case are unsealed and publicly available, the merged mj case and complaint are ordered unsealed and will be publicly available, unless the court orders otherwise.
2. The United States may file a motion to continue the seal of the mj case, complaint, or both, accompanied by a proposed order, no later than 28 days after the first arraignment on the first indictment. The motion must identify the statute, rule, case

law, or other basis permitting the court to continue the seal, and the court may order the case, complaint, or both remain sealed after making case-specific findings.

3. Chambers and the Clerk's Office will complete an annual review and create a list of sealed mj cases (excluding search warrant and non-disclosure order cases) and complaints by October 1 of each year. The Clerk's Office will provide the list to the United States by October 15 of each year.

4. By November 1 of each year, 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) or defense counsel the cases, complaints, or both on the list that will be unsealed.

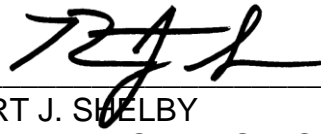
5. By November 15, the United States, FDO, or defense counsel may file a motion to continue the seal identifying any mj case or complaint that should remain sealed or be otherwise protected. The motion must identify the mj case, complaint, or both that should remain sealed or be otherwise protected and 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.

6. 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 3, and make them publicly available no later than December 15 of that year.

7. The court directs the Advisory Committee on the Local Rules of Practice to consider amending DUCrimR 49-2 or enacting a local rule consistent with this General Order when the local rules are next amended.

SO ORDERED this 19th day of August, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'RJS', is written above a horizontal line.

ROBERT J. SHELBY
CHIEF UNITED STATES DISTRICT JUDGE