
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

IN THE MATTER OF
IMPLEMENTATION OF A PILOT
PROGRAM FOR IMPROVED
ELECTRONIC ACCESS TO CRIMINAL
CASES AND DOCUMENTS

**GENERAL ORDER
No. 24-004**

Unless restricted by statute, rule of criminal procedure, or order, criminal proceedings and records of the court are presumptively open to the public. In continuation of the court's efforts to preserve the public's presumptive right to access cases, documents, and docket entries, the court is implementing a Pilot Program for criminal cases. Under the Pilot Program, certain documents and docket entries will have a presumptive level of restriction that determines who can electronically access the information.

The Pilot Program will apply to all criminal cases and all documents filed in criminal cases on or after December 1, 2024. The Pilot Program will run from December 1, 2024, to November 30, 2025, with an option for the Clerk's Office to extend it for an additional year. The court will post on its website any information related to the renewal of the Pilot Program. The Local Rules of Practice impacted by this Pilot Program are identified in [General Order 24-003](#) and in the local rules.

Accordingly, IT IS HEREBY ORDERED that:

1. DUCrimR 17-1 and DUCrimR 49-2 are suspended to permit implementation of this Pilot Program.
2. Under this Order, specified criminal documents and docket entries are assigned a presumptive level of restriction that limits public access in order to:
 - (A) comply with statutory requirements (e.g., 18 U.S.C. § 3123);
 - (B) protect an accused's right to a fair trial;
 - (C) protect a presumptive victim, witness, or innocent person;
 - (D) preserve the integrity of ongoing investigations; and
 - (E) avoid flight or destruction of evidence.
3. Under this Pilot Program, the court is retaining the designation of "SEALED," and adding the following 3 levels of restriction that give certain parties electronic access:
 - (A) restricted level 1 provides access to the parties (which includes all defendants in a multidefendant case) and the court;¹
 - (B) restricted level 2 provides access to the filing party, counsel for the affected defendant(s), the government, and the court; and
 - (C) restricted level 3 provides access to the filing party and the court.
4. In addition to restricted levels 1–3, a document or docket entry, which may include the docket and names of parties, may be "SEALED" and will not be visible to the public. The docket number assigned to a "SEALED" document or docket entry will not be visible to the public, resulting in a skipped number.

¹ Generally, the probation officer assigned to the case has the same CM/ECF access as the court.

5. The Clerk's Office will maintain, on the court's website, a list identifying the presumptive level of restriction for certain documents and docket entries. If a document is not identified on the court's list, it is presumed the document will be electronically available to the public. A copy of the court's initial list is attached to this Order. During the Pilot Program, updates to the list will be posted to the website. The copy of the list attached to this Order will not be updated.

6. To add a restricted access level for a document that is not on the court's list, or to change or remove the presumptive access level of a document, with or without redactions, a party must file a motion, supported by a separately filed sealed memorandum. The motion will be publicly available on the case docket.

a. The sealed memorandum must, if applicable:

- i. identify whether the parties have met and conferred about the request and whether they agree with the requested relief;
- ii. identify and attach the document that is the subject of the motion;
- iii. identify either why the restriction is necessary and why it outweighs the presumption of public access, or why the presumptive level is unnecessary (stipulations between the parties or stipulated protective orders alone are insufficient to justify a restriction);
- iv. explain why an alternative to restriction (e.g., redaction) is unavailable or why only restriction from the public will adequately protect the interest in question;

- v. explain how redaction will adequately protect the interest in question while preserving the public's right to access;
- vi. identify the restriction level sought; and
- vii. include a proposed order as an exhibit, a copy of which must be emailed in an editable format to the assigned judge's chambers.

b. Upon a showing of good cause, the court may grant the motion and instruct the clerk's office to change the restriction level.

7. In an unsealed case, if a party wants a document that is not included on the court's presumptive restriction level list under the designation "SEALED" to be sealed, the party must (1) file a motion for leave to file the document under seal using the "Sealed Motion" event in CM/ECF that explains the basis for the request, and (2) attach the document. If the sealed motion is granted, the party must refile the document using the "Sealed Entry/Document" event in CM/ECF.

8. In sealed cases, a party cannot file documents using CM/ECF and must email any document to be filed in a sealed case to the clerk's office at utdecf_clerk@utd.uscourts.gov.

9. During the Pilot Program, on request of the United States at the time a complaint or information is filed or a grand jury indictment is returned, including a case involving a juvenile, the clerk will seal the case at case opening unless the court orders otherwise. The case will remain sealed for 90 days or expire at the initial appearance of the last defendant, whichever occurs first, except for cases involving a juvenile because those cases remain sealed until the court orders otherwise.

10. A party may move to extend the sealing of a case by emailing (1) a motion setting forth good cause for the extension, and (2) a proposed order to the clerk's office at utdecf_clerk@utd.uscourts.gov.

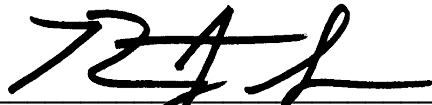
11. The clerk will not provide access to or copies of information contained in sealed cases, including the docket, unless ordered by the court or requested by the United States Marshal's Service, United States Probation, Bureau of Prisons, or the filing party.

12. If a sealed magistrate judge case, initiated by the filing of a sealed complaint, is merged into a criminal case where the information or indictment is unsealed, the magistrate judge case will be unsealed unless the court orders otherwise.

13. Chambers, the clerk's office, and the United States will perform an annual review for unsealing cases that are initiated by complaint following the procedure outlined in paragraphs 2 through 6 of [General Order 22-015](#).

SO ORDERED this 1st day of December, 2024.

BY THE COURT:



ROBERT J. SHELBY
CHIEF UNITED STATES DISTRICT JUDGE



**PRESUMPTIVE RESTRICTION LEVEL LIST FOR CASES AND DOCUMENTS
GENERAL ORDER 24-004²**

Restricted Level 1– Court and all Parties

Restricted Level 1 - Documents (Restriction Level Applies to the Document but Docket Entry is Publicly Visible)	Expiration of Restriction Level (Unless Court Orders Otherwise)
Return of Service	Indefinitely
Redaction Request – Transcript	Indefinitely
Motion to Redact Transcript	Indefinitely

Restricted Level 2 – Court, Filing Party, Counsel for Affected Defendant, and Government

Restricted Level 2 - Documents (Restriction Level Applies to the Document but Docket Entry is Publicly Visible)	Expiration of Restriction Level (Unless Court Orders Otherwise)
Pretrial Services reports (bail reports)	Indefinitely
Pretrial Services Status Report	Indefinitely
Pretrial Services Supervision Report	Indefinitely
Presentence Investigative Report (including addenda and related documents, correspondence or other documents related to detention or sentencing, including letters, reports, certificates, awards, photographs, or other documents)	Indefinitely
Presentence Investigative Report for Sentence Reduction (including addenda and related	Indefinitely

² During the pilot program the list on the website will be updated, but this General Order and copy of the list will not be.

Restricted Level 2 - Documents (Restriction Level Applies to the Document but Docket Entry is Publicly Visible)	Expiration of Restriction Level (Unless Court Orders Otherwise)
documents, correspondence or other documents related to detention or sentencing, including letters, reports, certificates, awards, photographs, or other documents)	
Violation/Revocation Sentencing Report (including addenda and related documents, correspondence or other documents related to detention or sentencing, including letters, reports, certificates, awards, photographs, or other documents)	Indefinitely
Supplemental Documents for Detention/Sentencing Consideration (correspondence or other documents related to detention or sentencing, including letters, reports, certificates, awards, photographs, or other documents provided to the court but not included in the PSR or Sentencing Memoranda)	Indefinitely
Statements of reasons in judgments in criminal cases	Indefinitely
Information provided by a person or entity posting bond	Indefinitely
Sentencing Memorandum (if the party selects restricted access in CM/ECF, otherwise it will be a public document)	Indefinitely
Jury Notes	Indefinitely
Jury List	Indefinitely
Jury Seating Arrangement	Indefinitely
Jury Panel Record	Indefinitely
Progress Report (Drug Court)	Indefinitely
Psychiatric Report Received	Indefinitely
Restitution List (if instructed by chambers, otherwise it will be a public document)	Indefinitely
Answer of Interrogatories to Garnishee	Indefinitely
Summons Issued	Indefinitely
Summons Returned Unexecuted	Indefinitely
Summons Returned Executed	Indefinitely
Order for Exam (if instructed by chambers, otherwise it will be a public document)	Upon review at case disposition (by chambers)

Restricted Level 3 – Filing Party and Court

Restricted Level 3 - Documents (Restriction Level Applies to the Document and Most Docket Entry are Publicly Visible)	Expiration of Access Level (Unless Court Orders Otherwise)
Ex Parte Motion for Defense Authorization (requests for excess compensation, issuing a subpoena, jail visits, appointment of experts)	Indefinitely
Ex Parte Motion for In Camera Review	Upon chambers review
Motion for Leave to Appeal in Forma Pauperis	Indefinitely
Financial Affidavit – CJA 23	Indefinitely
Subpoena and Ex Parte Certificate of Compliance under DUCrimR 17-2	Indefinitely
Return of Service – Defense Subpoena	Indefinitely
Motion to Reappoint Counsel	Indefinitely
Motion to Re-Appoint Counsel (if pro se)	Upon review by chambers
Transcript under 90-day Restriction*	Consistent with DUCrimR 49.1-1

*Requesting party will have electronic access until the restriction expires.

SEALED – Court

SEALED - Documents (The Document and Docket Entry are not Publicly Visible)	Expiration of Access Level (Unless Court Orders Otherwise)
Memorandum in support of a motion to change the presumptive sealed access level	Indefinitely
Grand Jury material and other documents, including the signed Indictment	Indefinitely
Cooperation-related materials and other documents	Upon chambers review at filing
Sealed Order (access level determined by chambers – default is court only)	Upon review at case disposition (by chambers)
Victim’s sealed motion to quash or modify or otherwise object to a subpoena under DUCrimR 17-2	Indefinitely
Lodged Document (if sealed - access level determined by chambers)	Upon review by chambers
Sealed Entry-Document	indefinitely
Warrant Issued	Upon filing of executed warrant
Warrant Returned Unexecuted	Upon filing of executed warrant
Sealed Judgments	Indefinitely

SEALED - Documents (The Document and Docket Entry are not Publicly Visible)	Expiration of Access Level (Unless Court Orders Otherwise)
Sealed Judgment Returned Executed	Indefinitely
Sealed Amended Judgments	Indefinitely
Sealed Minute Entry	Indefinitely
Sealed Motion (and order)	Upon review at case disposition (by chambers)
Petition and Order (for supervision violations requesting a warrant)	Upon filing of executed warrant (unless address for defendant then indefinitely with redacted version)
Order to Continue – Ends of Justice (if seal requested)	Indefinitely
Sealed Transcript	Indefinitely
Original Transcripts after redaction	Indefinitely
Memorandum in Support of Motion to Change Restriction Level	Upon review by chambers
Memorandum in Support of Motion to Remove All Restriction	Upon review by chambers
Memorandum in Support of Motion to Remove Restriction Subject to Redaction	Upon review by chambers
Pen Register and Trap/Trace Application, supporting documents, and orders (18 U.S.C. §§ 3121, 3122, and 3123)	Upon review by chambers
Title III and Clone Pager Warrants, supporting documents, and orders	Indefinitely
GPS, Ping Order, latitude-longitude data, or E-911 data warrants, supporting documents	Indefinitely
Tax Disclosure Warrants, supporting documents, and orders (26 U.S.C. § 6103(i)(1))	90 days after the issuance date
Telecommunications and telephone records warrants, supporting documents, and orders	90 days after the issuance date
Transmission of Record on Appeal Sent to USCA – Volumes containing non-public documents	Indefinitely
Sealed Indictment**	Until 90 days after filing or last defendant (whichever occurs first)
Sealed Information (Felony and Misdemeanor)	Until 90 days after filing or last defendant (whichever occurs first)
Sealed Complaint	Until 90 days after filing or last defendant (whichever occurs first)
Sealed Search Warrant Issued	Consistent with DUCrimR 41-1
Sealed Search Warrant Returned Executed	Consistent with DUCrimR 41-1
Sealed Search Warrant Returned Unexecuted	Consistent with DUCrimR 41-1
Sealed Seizure Warrant Returned Executed	Consistent with DUCrimR 41-1

SEALED - Documents (The Document and Docket Entry are not Publicly Visible)	Expiration of Access Level (Unless Court Orders Otherwise)
Motion to Reduce Sentence – USSC Amendment (if restriction requested)	Upon chambers review
Pretrial Services Report Recommendations	Indefinitely
Presentence Investigative Report Recommendations	Indefinitely
Violation/Revocation Report Recommendations	Indefinitely

** Where a case is initiated under a sealed Indictment, sealed information, or sealed complaint—as well as a case involving a juvenile—the entire case will be sealed at case opening and will be unsealed as specified by General Order 24-004. If a case is unsealed, any documents on this list that were filed in those sealed cases will have a presumptive level of restriction as identified in this document.