

**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING, AND VERIFYING  
PLEADINGS AND PAPERS BY ELECTRONIC MEANS IN THE UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF KANSAS**

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS**

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## **IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS**

### **I. THE ELECTRONIC FILING SYSTEM**

#### **A. IN GENERAL**

Unless otherwise permitted by these administrative procedures, by local rules, or by a general order of the court, or unless otherwise specifically authorized by the assigned judge, all documents submitted for filing in this district shall be filed electronically using the Electronic Filing System (“System”). However, the following exceptions shall apply:

1. Complaints, notices of removal, civil cover sheets, and summonses are governed by paragraph II(A)(2) & (3) of these procedures.
2. Charging instruments are governed by paragraph II(A)(4) of these procedures.
3. The filing of fee matters is governed by paragraph II(D) of these procedures.
4. Parties proceeding pro se in criminal cases shall not file electronically (see paragraph III(A)).
5. Documents containing original signatures of defendants and certain nonparties are governed by paragraph III(B) of these procedures.
6. Registered attorneys of record have remote access to documents in limited criminal cases filed prior to November 1, 2004, but no public remote access is available. Public access is available to docket sheets in criminal cases and documents filed after November 1, 2004. Members of the public may view limited electronic files for criminal cases filed prior to November 1, 2004, at the public terminals in the clerk’s office.
7. The clerk or any judge of this court may deviate from these procedures without prior notice if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of every action. The court may also amend these procedures at any time without prior notice.

#### **B. SCANNED DOCUMENTS**

When scanning documents that will be filed electronically, parties should

configure their scanners at 300 dpi. Scanned documents are required to be text searchable. Optical Character Recognition (OCR) must be performed on all documents before the documents may be filed. Filing parties are responsible for ensuring that scanned documents are legible. If a scanned document is not legible, the filing party should seek leave to file the document conventionally, rather than electronically.

Because large documents may not upload to the System properly or download within a reasonable amount of time, the System will reject documents that exceed 50 megabytes. Accordingly, excessively large documents must be filed in components, each of which must be less than 50 megabytes, or may be filed conventionally with leave of the court. Sending a document or pleading to the court via email does not constitute electronic filing unless otherwise ordered by the court or permitted by these rules.

## **C. PASSWORDS**

### **1. In General**

- a. No attorney or pro se party shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of his or her law office.
- b. Once registered, an attorney or pro se party shall be responsible for all documents filed using his or her password.

### **2. Attorneys Admitted to Practice in This Court.**

Each attorney admitted to practice in the District of Kansas shall be entitled to one System password, created through [pacer.gov](http://pacer.gov), which will allow the attorney to retrieve and file documents electronically and to receive notices of electronic filing.

### **3. Attorneys in MDL Cases.**

Each attorney in a case transferred under [28 U.S.C. § 1407](#) shall be entitled to one System password, created through [pacer.gov](http://pacer.gov), which will allow the attorney to retrieve and file documents electronically and to receive notices of electronic filing unless otherwise ordered or instructed by the judge in the case.

### **4. Attorneys Admitted Pro Hac Vice.**

Each attorney admitted pro hac vice must complete and sign a Pro Hac Vice Electronic Filing Registration Form (available at

<http://www.ksd.uscourts.gov/attorney-electronic-filing-registration-form>).

The attorney may then retrieve documents electronically through PACER and will receive System-generated notices of electronic filing. The System will not allow attorneys admitted pro hac vice to file documents electronically.

#### **5. Pro Se Parties**

- a. A pro se party to a pending civil action, i.e., one who is not represented by an attorney, may register to use the System solely for purposes of the action. The pro se party will be assigned a password after registering at [pacер.gov](http://pacер.gov), permitting the pro se party to electronically retrieve and file pleadings and other papers in the action.
- b. Registration for a password is governed by Paragraph I(D).
- c. By registering to use the System, the pro se party consents to electronic service of all documents as provided in these administrative procedures and in accordance with the Federal Rules of Civil Procedure and Local Rules.
- d. If, during the course of the action, the pro se party retains an attorney who appears on the party's behalf, the pro se party will no longer receive Notices of Electronic Filing when documents are filed in the case. The System will send all Notices of Electronic Filing to the attorney.
- e. If a pro se party is involved in more than one civil action, he or she must register for electronic filing privileges in each case in which they are involved.

#### **D. REGISTRATION**

Any individual who wishes to e-file in the District of Kansas must have a PACER account and must request filing privileges for this court through the PACER Service Center. This method for providing access to the System is referred to as Central Sign-On and allows all PACER users to use the same login and password in all NextGen CM/ECF courts in which they have been granted access to file. Detailed instructions for this process are available at [ksd.uscourts.gov](http://ksd.uscourts.gov).

Once e-filing privileges have been granted, the filer will use his/her PACER login and password to access the System and electronically file documents.

**1. Attorneys**

**a. Attorneys who have PACER accounts.** Attorneys who have accounts should request access to e-file in this district by signing into their PACER account and submitting an e-file registration request to this court. The request will be reviewed and processed by the court. Filing privileges will be granted to all attorneys who are members of the bar of this court and are in good standing.

i. To be in good standing, an attorney must comply with the requirements of [Local Rule 83.5.3](#), including timely payment of the annual registration fee.

**b. Attorneys who do not have an existing PACER account.** Attorneys who do not have an existing PACER account should go to [pacer.gov](http://pacer.gov) and register for BOTH a PACER account and e-filing privileges with this court. The PACER application will be processed by PACER as a separate action from the e-filing application. The e-filing request will be reviewed and processed by the local court. Filing privileges will be granted to all attorneys who are members of the bar of this court and are in good standing [see section I(D)(1)(a)(i) above].

**2. Pro se parties**

**a. Civil cases**

**i. E-Filing and Electronic Notice.** Pro se parties who wish to file electronically and receive electronic notice in civil cases should go to [pacer.gov](http://pacer.gov) and apply for both a PACER account and for e-filing privileges in the “Non-Attorney” category. The request will be reviewed by the clerk’s office and a clerk will contact the party to verify that he/she has access to the necessary equipment to receive electronic notice. Once verified, the request will be approved. The court reserves the right to revoke pro se electronic filing privileges at any time.

**ii. Electronic Noticing Only.** Pro se parties who wish to receive electronic notice and service of filed documents without requesting electronic filing privileges must complete the Pro Se Electronic Notification Registration form available at [ksd.uscourts.gov/forms-home](http://ksd.uscourts.gov/forms-home). The form

should be returned to the clerk's office. The pro se party should go to [pacer.gov](http://pacer.gov) to register for a PACER account, but should NOT request electronic filing privileges from the court.

All signed original Pro Se Electronic Notification Registration forms shall be mailed, emailed, faxed, or delivered to the clerk's office and shall bear the original signature of the pro se party (no s/ signatures are allowed).

**b. Criminal cases**

Pro se parties shall not be granted electronic filing access in criminal cases.

**3. Password changes**

After registering, attorneys or pro se parties may change their passwords at [pacer.gov](http://pacer.gov). If an attorney or pro se party comes to believe that the security of an existing password has been compromised and that a threat to the System exists, the attorney or pro se party must change his or her password immediately.

**4. Address changes**

An attorney or pro se party whose email address, mailing address, telephone number, or fax number changes shall notify the clerk immediately by filing a notice of change of address and serve a copy of the notice on all other parties (see [Local Rule 5.1\(b\)\(3\)](#)). His/her address must also be changed at [pacer.gov](http://pacer.gov).

**II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

**A. FILING**

**1. In General**

a. All motions, pleadings, applications, briefs, memoranda of law, transcripts of proceedings, administrative records, or other documents shall be filed on the System electronically except as otherwise provided by these administrative procedures, by local rules, or by court order.

b. Emailing a document to the clerk's office or to the assigned judge



does not constitute filing the document. A document shall not be considered filed until the System generates a notice of electronic filing.

## 2. **Civil Complaints and Notices of Removal**

- a. Cases filed by attorneys.** The clerk's office requires that all civil cases in which the filing party is represented by counsel be filed electronically through the System. Step-by-step instructions for this process are available at [ksd.uscourts.gov](https://ksd.uscourts.gov). The initiating document, any necessary attachments, designation of place of trial, and civil cover sheet are required at the time that the case is opened. All filing fees must be paid during the filing of the initiating document through the attorney's PACER account using [pay.gov](https://pay.gov). If the filing party is unable to pay the filing fee, a Motion to Proceed In Forma Pauperis (IFP) must be filed at the time of the initiating document.

If the attorney is unable to file a complaint or notice of removal electronically due to technical issues, the filing party should contact the clerk's office for instructions for filing the documents via email or in person.

- b. Cases filed by pro se parties.** The clerk's office will accept complaints, notices of removal, and civil cover sheets sent by email, United States mail, or delivered in person to the clerk's office by pro se parties. Though pro se individuals may be granted permission to file documents electronically in their own cases, permission does not extend to filing the originating complaint or notice of removal. A pro se party who wishes to request electronic filing access must do so on a case-by-case basis after the case has been opened by the clerk's office.

Clerk's office email addresses are as follows:

[ksd\\_clerks\\_kansascity@ksd.uscourts.gov](mailto:ksd_clerks_kansascity@ksd.uscourts.gov)

[ksd\\_clerks\\_topeka@ksd.uscourts.gov](mailto:ksd_clerks_topeka@ksd.uscourts.gov)

[ksd\\_clerks\\_wichita@ksd.uscourts.gov](mailto:ksd_clerks_wichita@ksd.uscourts.gov)

- i. If using email, the filing party must submit the complaint and cover sheet in PDF format. See section II(C)(1) below for information regarding the proper signature for pro se

documents submitted by email. Upon receipt of the submission, the clerk's office will contact the filing party for a credit card number to pay the filing fee. Alternatively, a Motion to Proceed In Forma Pauperis (IFP) and the accompanying affidavit may be submitted in PDF format along with the complaint.

- ii. The filing fee or Motion to Proceed IFP must accompany a complaint sent through the United States mail or personally delivered to the clerk's office. The clerk's office will scan the complaint and accompanying documents, upload them to the System, and then discard the paper documents.
  - iii. Unless otherwise permitted, only new complaints, notices of removal, civil cover sheets, summons forms, proposed orders submitted to the clerk's office pursuant to paragraph II(E)(5) of these procedures and certain documents in sealed cases may be sent to these email addresses. If an attorney or registered pro se party sends other documents to these email addresses, the clerk's office will call the sender or respond to the sender with an email to explain that the documents must be filed in the System electronically and that the clerk will take no action with the emailed documents.
- c. New cases are deemed filed the day the clerk's office receives the complaint or notice of removal if the clerk's office receives any required filing fee or Motion to Proceed IFP.
  - d. A party may not electronically serve a complaint, but instead must effect service according to [Fed. R. Civ. P. 4](#).
  - e. Copies of state court records and proceedings filed pursuant to [Local Rule 81.2](#) must be filed electronically and should include a copy of the state court docket sheet.

### **3. Civil Summonses**

- a. The clerk's office will receive summonses to be issued sent by email, United States mail, or delivered in person to the clerk's office.
- b. Email summonses may be sent to the email addresses listed in

paragraph II(A)(2)(b) above.

- c. The party requesting the summons must complete the top portion of the summons form and, if sending the summons by United States mail, also submit a stamped, self-addressed return envelope.
- d. A party may not electronically serve a summons, but instead must effect service according to the [Fed. R. Civ. P. 4](#).

#### **4. Charging Instruments from the United States Attorney**

Charging instruments will be presented to the clerk's office electronically, either by email or encrypted flashdrive. Any charging instruments processed conventionally by a judge's chambers will be scanned and uploaded to the System by chambers or the clerk's office. Charging instruments include indictments, superseding indictments, criminal complaints, and informations.

#### **5. Pleadings that Add or Delete Parties or Attorneys**

- a. If, after the initial complaint in a case is filed, a party files a pleading that adds a new party to the case (e.g., an amended complaint, a third-party complaint, etc.), the attorney or pro se party who files the pleading shall call the clerk's office before filing the pleading to have the new party added to the case in the System.
- b. The System is only capable of recognizing an entry of appearance on behalf of the attorney whose login is used to file the entry of appearance. Accordingly, if an attorney files an entry of appearance on his or her own behalf as well as on behalf of other attorney(s), then the attorney who files the entry of appearance must call the clerk's office after filing the entry of appearance in order to have the other attorneys added to the case in the System.
- c. A Withdrawal of Counsel and Entry of Appearance of Substituted Counsel, see [Local Rule 83.5.5\(c\)](#), may only be filed by the attorney entering his or her appearance, not by the withdrawing attorney. Substitutions of counsel filed by the United States Attorney's Office and Federal Public Defender Office may be filed in accordance with [Local Rule 83.5.5\(d\)](#).
- d. The clerk's office will add the Kansas Department of Corrections as an interested party when appropriate for the limited purposes of

filing the Martinez Report in civil rights actions filed by state and county prisoners. Upon the filing of that report, the Department of Corrections may move for termination from the action.

- e. The clerk's office will add the Social Security Regional Administrator as an interested party in Social Security appeal cases for the purpose of electronically noticing that agency.
- f. The clerk's office will add the United States Bankruptcy Court as an interested party in bankruptcy appeal cases for the purposes of electronically noticing that agency.

**6. Timeliness**

A document will be deemed timely filed if filed prior to midnight. However, if the time of day is of the essence, the assigned judge may order that a document be filed by a time certain.

**7. Leave of the court**

If filing a document requires leave of the court (e.g., an amended complaint, etc.), the attorney or pro se party shall attach both a redlined version and a clean version of the proposed document to the motion as exhibits. If the court grants the motion, the order will direct the attorney or pro se party to file the document with the court electronically. See [Local Rule 15.1](#).

**8. Transcribers and court reporters**

Transcribers and court reporters must either file certified transcripts of proceedings electronically on the System or submit to the clerk's office for uploading to the System. In addition, contract court reporters must promptly submit original paper notes to the clerk. If a transcript is ordered in a case in which the notes have been submitted to the clerk, the court reporter shall retrieve the notes and resubmit them to the clerk when the transcript is filed. A transcriber or court reporter will not receive payment until the transcript has been filed and the notes (or tape, if applicable) have been returned to the clerk's office.

**B. SERVICE**

- 1. Whenever a pleading or paper other than an ex parte document or document in a sealed case is filed electronically in accordance with these procedures, the System will generate a "Notice of Electronic Filing" to the

filing party, to any other party who is a registered user and has requested electronic notice in that case and to the assigned judge.

2. If the recipient is a registered participant in the System, the System-generated notice of electronic filing shall constitute service of the document by electronic means as provided in [Fed. R. Civ. P. 5\(b\)\(2\)\(E\)](#) and [Fed. R. Crim. P. 49\(a\)\(3\)\(A\)](#).
3. A party who is not a registered participant of the System is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the non-registered party with the pleading, document, or order according to the Federal Rules of Civil or Criminal Procedure. When mailing paper copies of documents that have been electronically filed, the filing party shall also include a copy of the notice of electronic filing to provide the recipient with proof of the filing.
4. In criminal matters, the three-day rule of [Fed. R. Crim. P. 45](#) for service by mail shall also apply to service by electronic means.
5. System-generated briefing deadlines (e.g., those that appear when a motion is electronically filed or when querying deadlines) are for court use only and should not be relied upon as accurate briefing deadlines.
6. A filer who brings a document to the clerk's office to scan and upload to the System must serve conventional copies on all non-registered parties to the case and should expect some delay in the uploading and electronic noticing of the document. If time is an issue, filers should consider paper service or service by an alternate means on registered parties, such as email or fax.
7. Access to sealed documents in criminal cases is limited to court users. Therefore, when a party files a sealed document in either a sealed or unsealed criminal case, the party is responsible for serving the document outside of the System. The party must use an alternative method of service, such as by conventional means or encrypting the document and attaching it to an email. The court will serve sealed documents by conventional methods or through encrypted email.

## **C. SIGNATURES**

### **1. Non-Attorney Signature**

- a. If the original document requires the signature of a non-attorney, other than a pro se party who has registered for electronic filing,

the filing party or the clerk's office shall scan the original document, and then file it on the System electronically. This rule includes all notarized documents. The electronically filed document as it is maintained on the court's servers shall constitute the official version of that record. The court will not maintain a paper copy of the original document.

- b. A pleading or other document requiring the signature of a pro se party who has registered for electronic filing shall be signed in the following manner: "s/ (filer name)." The correct format for the signature of a pro se party who has registered for electronic filing is as follows:

s/ Pro Se Party Name  
Pro Se Party Name  
123 South Street  
Kansas City, KS 66101  
Telephone: (913) 123-4567  
[Email: proseparty@prose.com](mailto:proseparty@prose.com)

- c. A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the document within eleven days of service of the document.

## 2. Attorney Signature

- a. A pleading or other document requiring an attorney's signature shall be signed in the following manner: "s/ (attorney name)." The correct format for an attorney signature is as follows:

s/ Pat Attorney \_\_\_\_\_  
Pat Attorney  
Bar Number 12345  
Attorney for (Plaintiff/Defendant) XYZ Company  
ABC Law Firm  
123 South Street  
Kansas City, KS 66101  
Telephone: (913) 123-4567  
Fax: (913) 123-5678  
[Email: pat\\_attorney@law.com](mailto:pat_attorney@law.com)

In the event that a document does not contain the typed "s/ (name)" of the filing party on the signature line, the System login and

password used to file the document will serve as the user's signature on all electronic documents filed with the court. Any party challenging the authenticity of an electronically filed document or the attorney's signature on that document must file an objection to the document within eleven days of service of the document.

### **3. Multiple Attorney Signatures**

The following procedure applies when a stipulation or other document (e.g., a joint motion) requires two or more attorney signatures:

- a. The filing attorney shall initially confirm that the content of the document is acceptable to all attorneys required to sign the document and shall obtain the signatures of all attorneys on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.
- b. The filing attorney then shall file the document electronically, indicating the signatories, (e.g., "s/ Jane Doe," "s/ John Smith," etc.) for each attorney.
- c. A non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures or the authenticity of the signatures themselves must file an objection to the document within eleven days of service of the document.

### **D. FEES PAYABLE TO THE CLERK**

Any fee required for filing a pleading or paper is payable to the Clerk of the Court by credit/debit card, check, money order, or cash. The clerk's office will document the receipt of fees on the docket with a text-only entry. Payment may also be made during the filing of certain events (Complaint, Notice of Removal, Motion to Appear Pro Hac Vice, Notice of Appeal) through the attorney's PACER account using [pay.gov](https://pay.gov) from a checking or savings account or by credit card. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

### **E. ORDERS**

1. The assigned judge, chambers staff, or the clerk's office shall electronically file all signed orders.
2. Proposed orders shall be submitted as outlined below.
  - a. Electronically submitted proposed orders shall not be combined

with the motion into one document. Rather, the motion must be filed first, then the proposed order must be submitted by email. The proposed order must refer to the document number that the System assigns to the motion when the motion is electronically filed.

- b. All proposed orders must be submitted in a format compatible with Microsoft Word so that the court can have the flexibility to edit proposed orders, when necessary. Judges will not accept proposed orders in PDF format.
- c. A proposed order should be attached to an email sent to the email address of the assigned judge. The judges' email addresses are as follows:

[ksd\\_birzer\\_chambers@ksd.uscourts.gov](mailto:ksd_birzer_chambers@ksd.uscourts.gov)  
[ksd\\_broomes\\_chambers@ksd.uscourts.gov](mailto:ksd_broomes_chambers@ksd.uscourts.gov)  
[ksd\\_crabtree\\_chambers@ksd.uscourts.gov](mailto:ksd_crabtree_chambers@ksd.uscourts.gov)  
[ksd\\_crouse\\_chambers@ksd.uscourts.gov](mailto:ksd_crouse_chambers@ksd.uscourts.gov)  
[ksd\\_gale\\_chambers@ksd.uscourts.gov](mailto:ksd_gale_chambers@ksd.uscourts.gov)  
[ksd\\_james\\_chambers@ksd.uscourts.gov](mailto:ksd_james_chambers@ksd.uscourts.gov)  
[ksd\\_lungstrum\\_chambers@ksd.uscourts.gov](mailto:ksd_lungstrum_chambers@ksd.uscourts.gov)  
[ksd\\_melgren\\_chambers@ksd.uscourts.gov](mailto:ksd_melgren_chambers@ksd.uscourts.gov)  
[ksd\\_mitchell\\_chambers@ksd.uscourts.gov](mailto:ksd_mitchell_chambers@ksd.uscourts.gov)  
[ksd\\_ohara\\_chambers@ksd.uscourts.gov](mailto:ksd_ohara_chambers@ksd.uscourts.gov)  
[ksd\\_robinson\\_chambers@ksd.uscourts.gov](mailto:ksd_robinson_chambers@ksd.uscourts.gov)  
[ksd\\_schwartz\\_chambers@ksd.uscourts.gov](mailto:ksd_schwartz_chambers@ksd.uscourts.gov)  
[ksd\\_teeter\\_chambers@ksd.uscourts.gov](mailto:ksd_teeter_chambers@ksd.uscourts.gov)  
[ksd\\_vratil\\_chambers@ksd.uscourts.gov](mailto:ksd_vratil_chambers@ksd.uscourts.gov)

- d. Proposed orders corresponding to non-dispositive civil motions (e.g., motions to compel, motions to modify scheduling orders, etc.) should be submitted to the assigned magistrate judge. Proposed orders corresponding to dispositive motions (e.g., motions to dismiss, motions for summary judgment, motions to remand, etc.) and motions to extend briefing deadlines relating to dispositive motions should be submitted to the assigned district judge. If in doubt regarding whether to submit a proposed order to the assigned magistrate judge or the assigned district judge, the proposed order should not be submitted to both. Rather, the proposed order should be submitted to the magistrate judge and, if appropriate, the magistrate judge will forward the proposed order to the district judge. Proposed orders for sealed motions should be sent via encrypted email.



3. When the clerk's office mails paper copies of an electronically filed order to a party who is not a registered participant of the System, the clerk's office will include a copy of the notice of electronic filing to provide the non-participant with proof of the filing.
4. The assigned judge or the clerk's office, if appropriate, may grant routine orders by a text-only docket entry, for which the System will generate a notice of electronic filing. In such cases, no PDF document will issue; the text-only entry shall constitute the court's only order on the matter.
5. Proposed orders submitted pursuant to [Local Rule 77.2\(a\)](#) should be prepared in a format compatible with Microsoft Word and should be attached to an email sent to the clerk's office at one of the following email addresses:

[ksd\\_clerks\\_kansascity@ksd.uscourts.gov](mailto:ksd_clerks_kansascity@ksd.uscourts.gov)

[ksd\\_clerks\\_topeka@ksd.uscourts.gov](mailto:ksd_clerks_topeka@ksd.uscourts.gov)

[ksd\\_clerks\\_wichita@ksd.uscourts.gov](mailto:ksd_clerks_wichita@ksd.uscourts.gov)

The clerk's office will not accept proposed orders in PDF format.

## **F. TITLE OF DOCKET ENTRIES**

The registered user who electronically files a document is responsible for designating an appropriate docket entry title by using one of the docket event categories prescribed by the court.

## **G. CORRECTING DOCKET ENTRIES**

1. Once a document is filed electronically, corrections to the docket can only be made by the clerk's office. The System will not permit the filing party to make changes to the document(s) or docket entry once the transaction has been accepted.
2. If the filer discovers that a document was filed with a typographical error, missing pages, incorrect version attached, etc, the filer should immediately file a motion to amend/correct the document and attach a copy of the corrected document to the entry in accordance [Local Rule 15.1](#). If the parties agree, it may be acceptable to file an amended/corrected version of the document without filing a motion. The amended/corrected document will be a separate entry on the docket and will not be attached to the original entry. Any deadlines triggered by the filing of the document containing the error would run from the filing of the original document unless otherwise directed by the court.

3. If a document is filed incorrectly as the result of attaching a PDF file for a different case, or as the result of selecting the wrong document type from the menu, **the filing party should not attempt to refile the document.** On these occasions, the filing party must contact the clerk's office with the case number and document number that needs to be corrected. If appropriate, the court will make an entry indicating the document was filed in error.

The clerk's office will advise the filing party if the document needs to be refiled.

4. If a filing party discovers that he or she erroneously filed a document containing certain personal data identifiers pursuant to section II(I) of these Administrative Procedures, the filing party should contact the clerk's office and provide a redacted document by email. The clerk's office will restrict access to the original document and will attach the redacted document to the same docket entry. This correction procedure applies only to documents containing the personal data identifiers specified in section II(I). Requests to redact or restrict previously filed documents containing other sensitive information require a motion.

## **H. TECHNICAL FAILURES**

The clerk's office shall deem the District of Kansas filing System to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently. Known or planned systems outages will be posted on the web site, if possible.

1. Problems on the filer's end, such as connection problems, problems with the filer's Internet Service Provider (ISP), or hardware/software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document as set forth in [Local Rule 77.1](#) if compelling circumstances exist.
2. In the event of a technical failure of the System, documents may be submitted to the clerk's office via email to the appropriate clerk's office account, as follows:

[ksd\\_clerks\\_kansascity@ksd.uscourts.gov](mailto:ksd_clerks_kansascity@ksd.uscourts.gov)

[ksd\\_clerks\\_topeka@ksd.uscourts.gov](mailto:ksd_clerks_topeka@ksd.uscourts.gov)

[ksd\\_clerks\\_wichita@ksd.uscourts.gov](mailto:ksd_clerks_wichita@ksd.uscourts.gov)

3. A filing party whose filing is made untimely as the result of a technical failure of the System may seek appropriate relief from the court.

## **I. PRIVACY**

### **1. Civil Cases**

In accordance with [Fed. R. Civ. P. 5.2](#) and to address the privacy concerns created by Internet access to court documents, except as set forth in [Fed. R. Civ. P. 5.2\(b\)](#), litigants shall modify or partially redact the following personal data identifiers appearing in documents filed with the court:

- a. Social Security numbers: Use only the last four numbers; and
- b. Minors' names: Use the minors' initials; and
- c. Dates of birth: Use only the year; and
- d. Financial account numbers: Identify the name or type of account and the financial institution where maintained but use only the last four numbers of the account number.

### **2. Criminal Cases**

In accordance with [Fed. R. Crim. P. 49.1](#), to address the privacy concerns created by Internet access to court documents, except as set forth in [Fed. R. Crim. P. 49.1\(b\)](#) litigants shall modify or partially redact the following personal data identifiers appearing in documents filed with the court:

- a. Social Security numbers: Use only the last four numbers; and
- b. Minors' names: Use the minors' initials; and
- c. Dates of birth: Use only the year; and
- d. Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number; and
- e. Home addresses: Use city and state.

In addition, parties may modify or partially redact other confidential information when permitted by the court (e.g., driver's license numbers, medical records, employment history, individual financial information, and proprietary or trade secret information.). Consistent with the [E-Government Act of 2002, Pub. L. 107-347](#) (December 17, 2002), a party that files a document with such personal data identifiers or other confidential information redacted may file an unredacted version of the

document under seal or file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifiers. The reference list must be filed under seal and may be amended as of right. The unredacted version of the document or the reference list shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy of the document for the public file.

## **J. DOCUMENTS TO BE FILED UNDER SEAL**

### **1. CIVIL CASES**

- a. Provisional Sealed Filings.** A party may provisionally file a document that it reasonably believes may contain confidential information under seal. The document should be filed using the appropriate event bearing the PROVISIONALLY SEALED label. Documents filed using a provisionally sealed event will be restricted from public access on the docket but will be available to court users and all counsel of record in the case who have not been terminated. Pro se filers will not have electronic access to sealed documents due to limitations of the System and must be served outside of the System.
- b. Notice of Proposed Sealed Record.** Immediately after making a provisional under-seal filing, counsel must file a Notice of Proposed Sealed Record. A sample Notice of Proposed Sealed Record is included in these procedures as Appendix A.
- c. Motion to Seal or Redact.** Motions to seal or redact the provisionally sealed document must be filed within 7 days of the document that was provisionally filed under seal using the event Motion to Seal or Redact. The motion will be filed on the public docket and not under seal. If the filer is requesting that a redacted version of the provisionally sealed document be filed, the redacted document should NOT be attached to the Motion to Seal or Redact since the motion will not be restricted from public access. The proposed redacted document should be emailed to chambers with the proposed redactions highlighted in yellow, per [Local Rule 5.4\(c\)\(iv\)](#).
- d. Order on Motion to Seal or Redact.** Any order on a Motion to

Seal or Redact will direct the party that provisionally filed the document under seal to make the appropriate filing in the public record. If a motion to seal or redact is denied and the document should be unsealed, chambers will direct the clerk's office to unseal the document using the same method as described in section (d) below.

- e. **Disposition of Documents Filed Provisionally Under Seal.** If no Motion to Seal or Redact is filed, the party who filed the provisionally sealed document will notify chambers that the document should be unsealed. The clerk will unseal the document using the event Notice of Removal of Provisional Seal, which will notify all parties in the case that the document is now publicly available. The docket text of the original entry will be modified to show that the document is no longer sealed.
- f. **Attorney Withdrawals/Terminations.** Once access to sealed documents has been granted to an attorney in a case, it will be the responsibility of that attorney to notify the clerk's office if he or she is terminated from the case and the parties wish that terminated attorneys no longer have access to sealed documents in that case.

## 2. CRIMINAL CASES

A party filing a motion for leave to file document(s) under seal shall file that motion electronically, under seal, in the System. The motion for leave to file under seal shall attach as sealed exhibits the document(s) the party wishes to be filed under seal. At the same time, the motion and attachment(s) must be served outside of the System on other parties. The party shall submit, via email to [ksd\\_<Judge'sLastName>\\_chambers@ksd.uscourts.gov](mailto:ksd_<Judge'sLastName>_chambers@ksd.uscourts.gov), a proposed order. If a document to be filed under seal is only one part of a larger document or series of documents, the party must file all portions the party does not seek to have sealed in accordance with any deadlines, indicating where any portion to be sealed should be inserted upon an order granting leave to file under seal. The motion for leave to file under seal must also be filed in accordance with any deadlines, with the proposed sealed documents attached.

If the motion for leave to file under seal is granted, the assigned judge will enter the order authorizing the filing of the document(s) under seal. The filing party shall then file its document(s) electronically under seal and

serve the document on the other parties outside of the System.

If the motion for leave to file under seal is denied, the assigned judge will enter an order denying the filing of the document(s) under seal.

**K. DOCUMENTS TO BE FILED IN SEALED CASES**

**1. SEALED CIVIL CASES**

Attorneys of record who are not terminated in a sealed civil case will be given electronic access to the case.

- a. Upon the filing of the complaint, the attorney(s) for the plaintiff(s) will be given access to the sealed case.
- b. Defense counsel or an attorney for plaintiff entering the case after the initial pleading must provide an entry of appearance to the clerk's office by encrypted email. Once the entry is filed by clerk's office staff, sealed access will be provided. All subsequent documents shall be filed electronically.
- c. Due to security concerns with email, no Notice of Electronic Filing will be generated by the System in sealed cases. Attorneys must notify chambers by email or telephone of any documents filed in the case. Documents must be served on other counsel in the case outside of the System.
- d. The court will serve orders and other court documents outside of the System, via encrypted email.
- e. Pro se filers do not have access to sealed cases in the System.

**2. SEALED CRIMINAL CASES**

In criminal cases, access to sealed documents and cases is limited to court users. When a party files a sealed document, the party is responsible for serving the document outside of the System. The party must use an alternative method of service, such as by conventional means or by encrypting the document and attaching it to an email. The court will also serve sealed documents by conventional methods or through encrypted email.

A party who wishes to file a document in a sealed case must submit the document to the clerk's office in electronic format by encrypted email. If required, the party shall provide the document to all other parties in the

case.

## **L. PRISONER E-FILING**

Documents submitted by prisoners incarcerated by the Kansas Department of Corrections must be electronically submitted to the court as follows:

1. Prisoner litigants will scan pleadings in civil actions on a digital sender or similar equipment.
2. Once the document has been scanned, the prisoner will email the pleading to the court at: [ksd\\_clerks\\_topeka@ksd.uscourts.gov](mailto:ksd_clerks_topeka@ksd.uscourts.gov).
3. The court will e-file these pleadings upon receipt by email.
4. Upon filing, the court will create a Notice of Electronic Filing (NEF), which will confirm the date the pleading was e-filed by the court and contain an electronic link to the document.
5. A party may not electronically serve a complaint, but instead must effect service according to Federal Rules of Civil Procedure.
6. Once defendants or respondents have accepted such service, however, the NEF for a subsequent prisoner pleading shall constitute service of the document by first class mail, postage prepaid. The NEF will be transmitted to an email address established by the court upon the designation of the facility and will be distributed through institutional channels to the inmate.
7. Documents filed by defendants or respondents will continue to be mailed by those parties, and orders entered by the court will be transmitted by mail.
8. The electronic transmission of correspondence and court filings is free to prisoners; however, statutory filing fees apply to these actions and are not affected by e-filing.
9. Prisoner participants in the e-filing pilot project remain subject to the provisions of [Local Rule 9.1](#). Initial court filings, such as petitions and complaints, submitted by these participants must be transmitted on official forms, and all court filings must contain the prisoner's conviction name and KDOC identification number, the name of the opposing party, the case number, if one has been assigned, and signature. The failure to provide this information may result in delay in processing of the

incomplete submission. Complete copies of the rules of the court are available for review in the law library.

10. Questions regarding filing by prisoners who are in segregated housing should be directed to the facility librarian.
11. A prisoner who is transferred to any facility not designated for inclusion by the Department will resume the submission of pleadings by mail.

**M. CJA FEE MATTERS**

All fee matter documents should be forwarded directly to the CJA Coordinator in the Federal Public Defender's Office. These documents are not filed in the System.

**III. FILING OF DOCUMENTS OTHER THAN THROUGH THE SYSTEM**

The following procedures govern documents filed conventionally or other than through the System. The court, on motion, may also authorize conventional filing of other documents otherwise subject to these procedures.

**A. PRO SE FILERS IN CRIMINAL CASES AND UNREGISTERED PRO SE FILERS IN CIVIL CASES**

Pro se filers shall file paper originals of all pleadings, motions, affidavits, briefs, and other documents that must be signed or that require either verification or an unsworn declaration under any rule or statute. The clerk's office will scan these original documents into an electronic file in the System. The court will not maintain the paper copy of the document.

A pro se party in a civil case who elects to not become a registered user of the System must file according to one of the options set forth below:

**1. Filing Options.**

- a. Conventionally.** Original documents may be submitted by mail or in person to the clerk's office. The clerk's office will file stamp the documents on the date they were received, scan the original documents into an electronic format and file them in the System.
- b. Email.** Documents bearing an original signature may be scanned and submitted as an attachment to an email sent to the clerk's office (see email addresses below). Documents submitted by email must be in PDF format and must comply with administrative



procedures with respect to exhibits. No other formats will be accepted. The clerk's office will file emailed documents in the System. The date filed will be the date the documents were received by the clerk's office via email.

As an alternative to submitting scanned documents, the pro se party can sign the document with his or her s/ signature (e.g. s/ John Smith). If this method is used, the pro se party must submit within five business days the original version of the document bearing his/her original signature to the clerk's office along with a copy of the email. The clerk's office will attach a scanned copy of the version bearing the original signature to the docket entry for verification purposes.

[ksd\\_clerks\\_kansascity@ksd.uscourts.gov](mailto:ksd_clerks_kansascity@ksd.uscourts.gov)

[ksd\\_clerks\\_topeka@ksd.uscourts.gov](mailto:ksd_clerks_topeka@ksd.uscourts.gov)

[ksd\\_clerks\\_wichita@ksd.uscourts.gov](mailto:ksd_clerks_wichita@ksd.uscourts.gov)

2. **Service.** Pro se parties are responsible for service of all documents under all methods of filing outlined above.
3. **Confirmation of Receipt.** The clerk's office will not confirm receipt of documents filed by email. Pro se parties shall use tools within their email program to confirm receipt and/or shall verify the filing of such documents using a PACER account.

**B. DOCUMENTS CONTAINING CERTAIN ORIGINAL SIGNATURES**

Documents in criminal cases containing the signature(s) of a defendant, a surety, and/or a third-party custodian shall be filed conventionally. The clerk's office will scan these original documents into an electronic file in the System.

**C. REIMBURSEMENT FOR COURT-APPOINTED COUNSEL IN CIVIL MATTERS**

Documents relating to reimbursement for court-appointed counsel in civil matters pursuant to [Local Rule 83.5.3\(f\)](#) may be submitted conventionally or filed under seal. This includes any document such as authority to pay court appointed counsel, authorization and voucher for expert and other services, authorization and voucher for payment of transcript, and requests for excess fees. In order to address privacy/strategy issues, all documents submitted pursuant to [Local Rule 83.5.3\(f\)](#), if submitted conventionally shall be maintained in the System under seal.

## **IV. ATTACHMENTS**

### **A. IN GENERAL**

1. A filing party should scan a paper attachment to a pleading and submit the exhibit as a PDF file. Filing parties may submit PDF files containing scanned documents of more than 50 megabytes only if they are filed in separate 50-megabyte segments. Optical Character Recognition (OCR) must be performed on all scanned documents to make them text searchable.
2. Filing users are required to verify that scanned documents are legible before the documents are filed electronically with the court.
3. The filing party must separately label any exhibits and file an index of such exhibits.

### **B. VOLUMINOUS EXHIBITS**

If the exhibit(s) attached to any document exceed a total of 50 megabytes, then the document and exhibits must be filed according to the following procedure.

1. The filing user must prepare an exhibit index and file the index as an attachment to the main document.
2. Each separate exhibit must be filed as a separate attachment to the main document. Titles and descriptions should accurately reflect the contents of the document.
3. If any exhibit exceeds 50 megabytes, then that exhibit must be broken down into separate components of 50 megabytes or less, and each component must be filed as a separate attachment.
4. Following is a sample exhibit index, for which each exhibit must be filed as a separate attachment to the main document. The exhibit index should be the last attachment in the filing.

Exhibit	Description
A	Affidavit of John Smith
B	Excerpts from Jane Doe's Deposition
C-1	Contract Between XYZ Company and ABC Company (Part 1, Pages 1-15)
C-2	Contract Between XYZ Company & ABC Company (Part 2, Pages 16-24)
D	XYZ Company General Ledgers

**C. CONVENTIONAL FILING OF EXHIBITS**

A party may seek a court order allowing the party to conventionally file exhibits that are not available in electronic form or that are too lengthy to scan. If the court grants a party leave to file exhibits conventionally, then the exhibits must be filed according to the following procedure.

1. The filing user must prepare an exhibit index. This exhibit index must be filed as the last attachment to the main document and must state that the exhibits are being filed conventionally with the court’s permission.
2. The filing user shall file the pleading containing the exhibits conventionally. The pleading’s caption shall identify the document to which the exhibits relate (e.g., “Exhibits in Support of Defendant XYZ Company’s Memorandum in Support of Motion for Summary Judgment”). The exhibits must be tabbed and bound. The clerk’s office will note on the docket its receipt of the pleading containing the exhibits with a text-only entry. The clerk’s office retains the right to scan and upload the documents after they have been received conventionally.
3. A party must serve conventionally filed materials on other parties as if not subject to these electronic filing procedures.
4. The filing party must submit an original and one copy of any conventionally filed exhibit, including those submitted on DVD, flash drive or any electronic storage media. One copy will serve as the original and will be maintained in the clerk’s office and the second will be provided to chambers.

**V. PUBLIC ACCESS TO THE SYSTEM DOCKET**

**A. PUBLIC ACCESS AT THE COURT**

Electronic access to the System is available to the public at no charge at the clerk’s office during regular business hours. A copy fee for electronic reproduction is required in accordance with [28 U.S.C. § 1914](#). A current schedule of clerk’s office fees is available at [www.ksd.uscourts.gov/clerks-office-fees](http://www.ksd.uscourts.gov/clerks-office-fees).

**B. INTERNET ACCESS**

1. Remote electronic access to the System for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records (“PACER”) system. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case

information, such as filed documents and docket sheets in civil cases but excluding review of calendars and similar general information.

2. To address the privacy issues inherent in a Social Security review or immigration case, except for orders designated as written opinions, Internet access to the individual documents will be limited to counsel and court staff. Docket sheets, however, will be available via PACER to non-parties. Further, non-parties will continue to have direct access to the documents on file at the clerk's office.
3. No one except a registered attorney of record may remotely view records in criminal cases filed prior to November 1, 2004. Public remote access is available for documents filed on or after November 1, 2004.

**C. CONVENTIONAL COPIES AND CERTIFIED COPIES**

Conventional copies and certified copies of electronically filed documents may be purchased at the clerk's office. The fee for copying and certifying will be charged in accordance with [28 U.S.C. § 1914](#). A current schedule of clerk's office fees is available at [www.ksd.uscourts.gov/clerks-office-fees](http://www.ksd.uscourts.gov/clerks-office-fees).

APPENDIX A

(Rev. 12/22)

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

v.

Case No.

**NOTICE OF PROPOSED SEALED RECORD**

\_\_\_\_\_ provide(s) this Notice of Proposed Sealed Record as required by D. Kan. Rule 5.4.2(b). This notice identifies the ECF docket number of the provisional under-seal filing (*e.g.*, ECF 73-2, 73-3, etc.) and states the extent to which the filing party seeks to maintain that ECF docket number under seal and/or the identity(ies) of any party or non-party (*i.e.*, “Proponents”) that designated the information as confidential pursuant to a protective order.

<b>ECF No.</b>	<b>Specify Filing Party That Anticipates Filing Motion to Redact and/or Seal - and/or - Proponent(s) that Designated Information as Confidential</b>

I certify that this notice was served on all Proponents (whether via ECF notification or otherwise) and that I will provide this notice to any Proponent that is a non-party to the litigation. Any Proponent that wants to maintain the document or portions thereof under seal, whether via redactions or otherwise, should follow the procedure set forth in D. Kan. Rule 5.4.2(c). The party that provisionally filed the document under seal has no obligation to assert the confidentiality interests of other Proponents.