

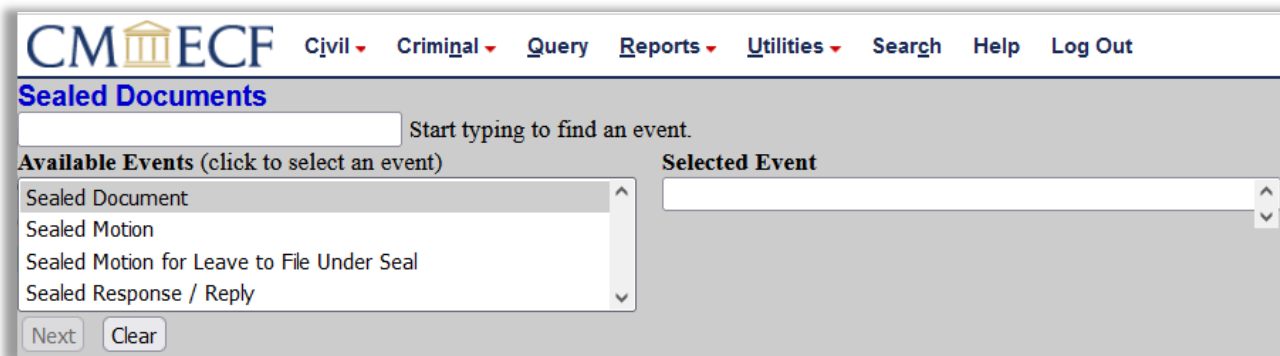
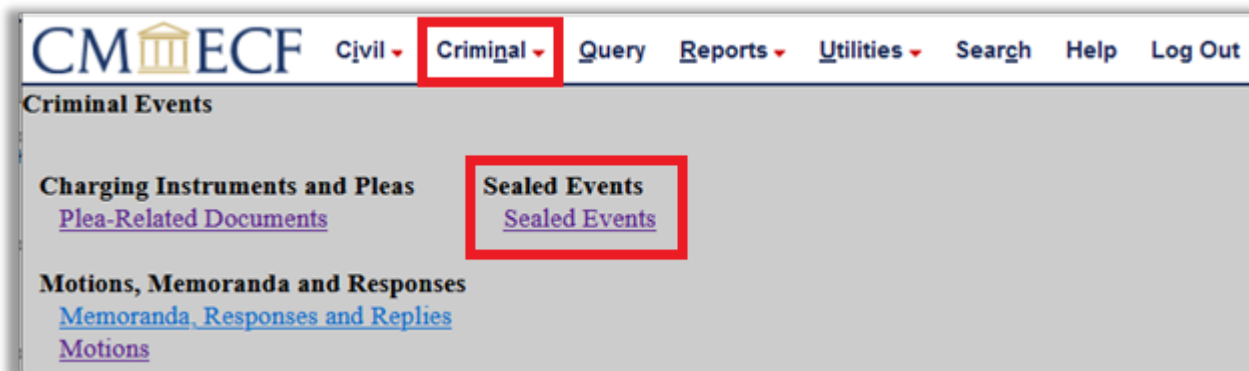
Filing Sealed Documents in Public/Non-Sealed Criminal Cases (for Lawyers)

This document provides step-by-step instructions for lawyers to electronically file sealed documents in a public/non-sealed criminal case. Failure to follow these instructions could result in the inadvertent filing of a public document.

Effective November 7, 2022, the Middle District of Florida's CM/ECF Administrative Procedures require lawyers to electronically file sealed documents in non-sealed cases using CM/ECF.¹

This procedure should only be used when requesting leave to file under seal or when an order from the court permits the filing of a document under seal. The **docket entry** and the attached **document(s)** will be sealed upon submission and will not be accessible to the public nor any party in the case, including the filing party. CM/ECF will not e-mail a Notice of Electronic Filing (NEF) to any party. The docket entry and document(s) will only be available to authorized court personnel.

IMPORTANT: When electronically filing a sealed document or a sealed motion for leave to file under seal, you must use the events from the **Sealed Events** menu (image below), or your document will not be filed under seal.



¹ If the entire case is sealed, counsel must file all documents using the [Court's web portal](#) or in paper format. In addition, pro se filers who have been granted e-filer access must file sealed documents using the [Court's web portal](#) or continue to file sealed documents in paper format.

OVERVIEW: Filing Sealed Documents

Sealed Motion for Leave to File Under Seal

Under **CM/ECF Administrative Procedures**, you must obtain leave of court before filing a document under seal and attach the proposed item for sealing. Additionally, all proposed documents must be marked as “SEALED.” To obtain leave of court, file a **Sealed Motion for Leave to File Under Seal** using the **Sealed Events** menu ([click here for instructions](#)).

IMPORTANT: The **Sealed Motion for Leave to File Under Seal** is a sealed docketing event. This means that the docket entry, docket text, and all attached documents are sealed upon filing and not available to the public nor any party in the case.

E-Filing Sealed Documents

After the court grants leave to file a document under seal, the requesting party must electronically file the sealed document in CM/ECF using the sealed docketing events ([click here for instructions](#)). For example, if you obtain leave to file a motion to dismiss under seal, you must file the motion to dismiss using the “**Sealed Motion**” event under the **Sealed Events** menu. Likewise, if you obtain leave to file an exhibit to an extension of time motion under seal, you must file your extension of time motion using the regular “Extend Time” motion, and then file the sealed exhibit using the “**Sealed Document**” event under the **Sealed Events** menu.

Public Access

A sealed document filed in CM/ECF cannot be viewed on PACER or the Clerk’s Office public terminals by anyone other than authorized Court personnel.

Service of Sealed Documents

Documents electronically filed under seal are not accessible through the NEF. The filing party is therefore responsible for serving all sealed documents and attachments on opposing counsel by other means. **A certificate of service must be included with every filing and a copy of the NEF should be served with the sealed document.**

Available Events

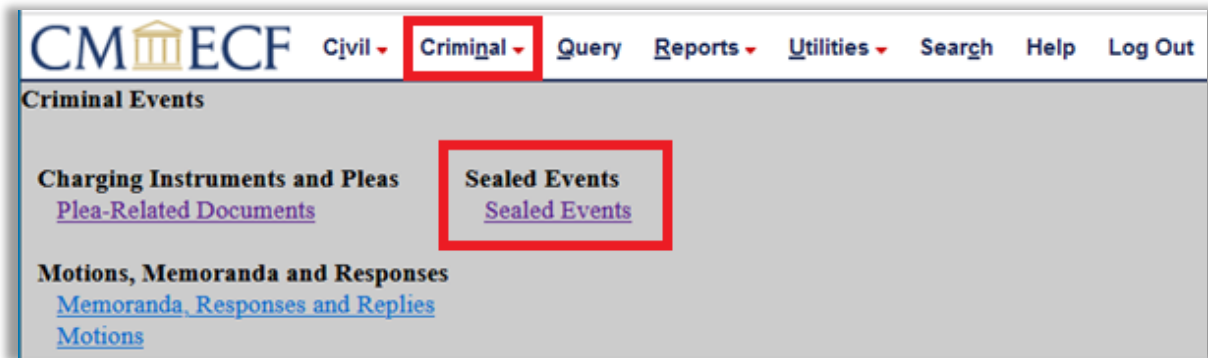
Only documents properly filed using specific sealed document events are **SEALED** upon submission. The events are located under **Sealed Events** on the CM/ECF **Criminal** menu.

- [Sealed Document](#)
- [Sealed Motion](#)
- [Sealed Motion for Leave to File Under Seal](#)
- [Sealed Response/Reply](#)

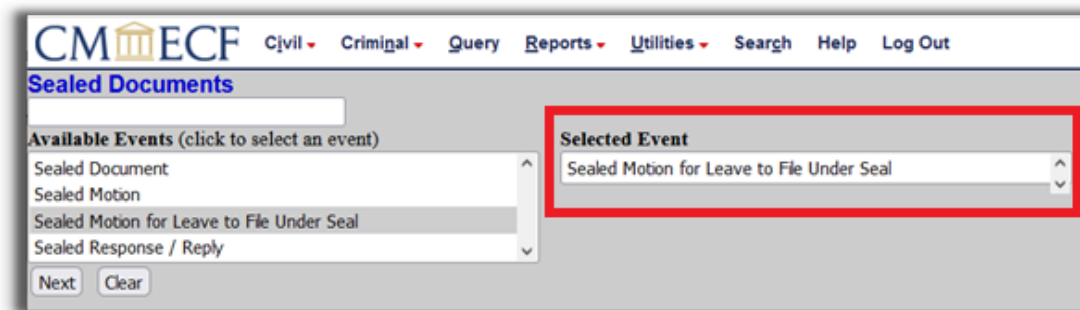
If you have been granted leave to file a document under seal, you must use the **Sealed Document**, **Sealed Motion**, or **Sealed Response/Reply** event to file your sealed document. Any sealed item that is not a motion or response/reply should be filed using the **Sealed Document** event.

STEP-BY-STEP-INSTRUCTIONS: File a Sealed Motion for Leave to File Under Seal

1. Begin by filing your **Sealed Motion for Leave to File Under Seal** by selecting the CM/ECF **Criminal** menu and then **Sealed Events**.

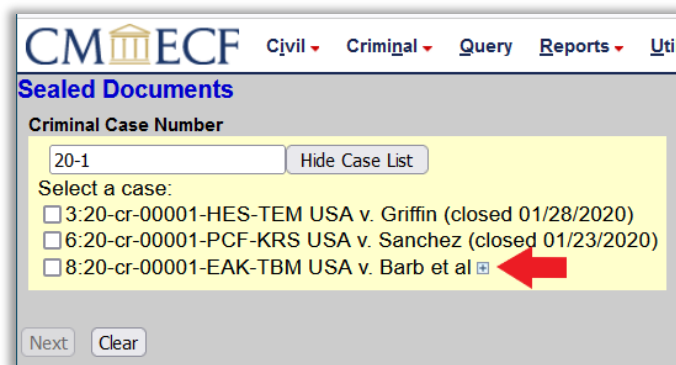


2. Click to highlight and select the **Sealed Motion for Leave to File Under Seal** event under **Available Events**. The selected event will display under **Selected Event**.



3. Enter the case number. A partial case number can be entered. When presented with a list of cases, click the box to select the applicable case or defendant(s).

IMPORTANT: In multi-defendant cases, **select ONLY the applicable defendant(s)**. A plus-sign icon indicates multi-defendants. Click the plus sign to expand the defendant list (sample images below).



CM/ECF Civil Criminal Query Reports Utilities

Sealed Documents

Criminal Case Number

8:20-cr-1-1

Select a case:

- 3:20-cr-00001-HES-TEM USA v. Griffin (closed 01/28/2020)
- 6:20-cr-00001-PCF-KRS USA v. Sanchez (closed 01/23/2020)
- 8:20-cr-00001-EAK-TBM USA v. Barb et al
- 8:20-cr-00001-EAK-TBM-1 Vincent Barb (closed 06/25/2002)
- 8:20-cr-00001-EAK-TBM-2 Christopher White (closed 02/06/2003)
- 8:20-cr-00001-EAK-TBM-8888 Business Entity

4. Verify Case Caption/Number Screen. If accurate, click **Next**.

Sealed Documents

8:20-cr-00001-EAK-TBM USA v. Barb et al

SL
DOC, APPEAL, INTERPRETER

5. Click to highlight and select the **Filer(s)**. Hold the “Ctrl” key to select multiple non-contiguous parties.

Select the filer.

Select the Party: **OR** **Select a Group:**

- Business Entity [dft]
- USA [pla]
- Business Entity 3 [mov]
- Business Entity 2 [mov]
- Business Entity [mov]
- Barb, Vincent (T) [dft]**
- White, Christopher (T) [dft]

- No Group
- All Defendants
- All Plaintiffs
- All Parties

The party/attorney association screen will appear only when the filing attorney is not already associated with the selected party. If accurate, leave the default Notice selection checked. If the filing attorney is lead counsel, mark "Lead" with a check and click Next. If the association should not be created, start over.

The following attorney/party associations do not exist for the above case(s).

Please check the box on the left of the screen for associations which should be created.

If the association should *not* be created, be sure the box is *unchecked*

John L. Smith (pty:dft) represented by Carol Bott (aty) Lead Notice

Next Clear

- Review the warning. Click the **Browse** button to navigate to your saved .pdf document(s). Attach the motion as the **Main Document**. Attach the item proposed for sealing separately under **Attachments**. Select the **Category** from the drop-down list and/or add a **Description** for all **Attachments**. Although the description will not be accessible to the public, the description should be brief.

WARNING!:

This is a sealed docketing event. Below, attach the motion as the Main Document. Attach the item proposed for sealing separately under Attachments.

Select the PDF document and any attachments.

Main Document
Browse... Test Motion.pdf

Attachments **Category** **Description**

| | | | |
|----------------------------------|----------------------|----------------------|--------|
| 1. Browse... Sealed Document.pdf | <input type="text"/> | Sealed Exhibit | Remove |
| 2. Browse... No file selected. | <input type="text"/> | <input type="text"/> | |

Next Clear

7. Click the radio button to select the type of document you are seeking to file under seal.

Select the type of document that best describes the item you are seeking to file under seal:

Document
 Motion
 Response
 Reply

Next Clear

8. Review the warning message.

Only authorized Court personnel will be able to view this filing. Neither the general public nor attorneys of record will be able to view this docket entry or any attached document. Therefore, you cannot rely on the Notice of Electronic Filing to effect service. You must serve this filing on all applicable parties by some other means.

On the next screen, enter descriptive docket text as applicable to this filing.

Next Clear

9. When applicable, select a descriptive prefix from the drop-down and/or add descriptive text in the text boxes.

Docket Text: Modify as Appropriate.

Unopposed SEALED MOTION for leave to file
DOCUMENT Exhibit 7 under seal by Vincent Barb.
(Attachments: # (1) Sealed Exhibit) (Bott, Carol)

Next Clear

10. Verify the accuracy of the docket text, review the warning, and review source document path. After you select Next, your document is filed. If you discover an error on this screen, start over from the beginning. DO NOT use the Back button.

Docket Text: Final Text

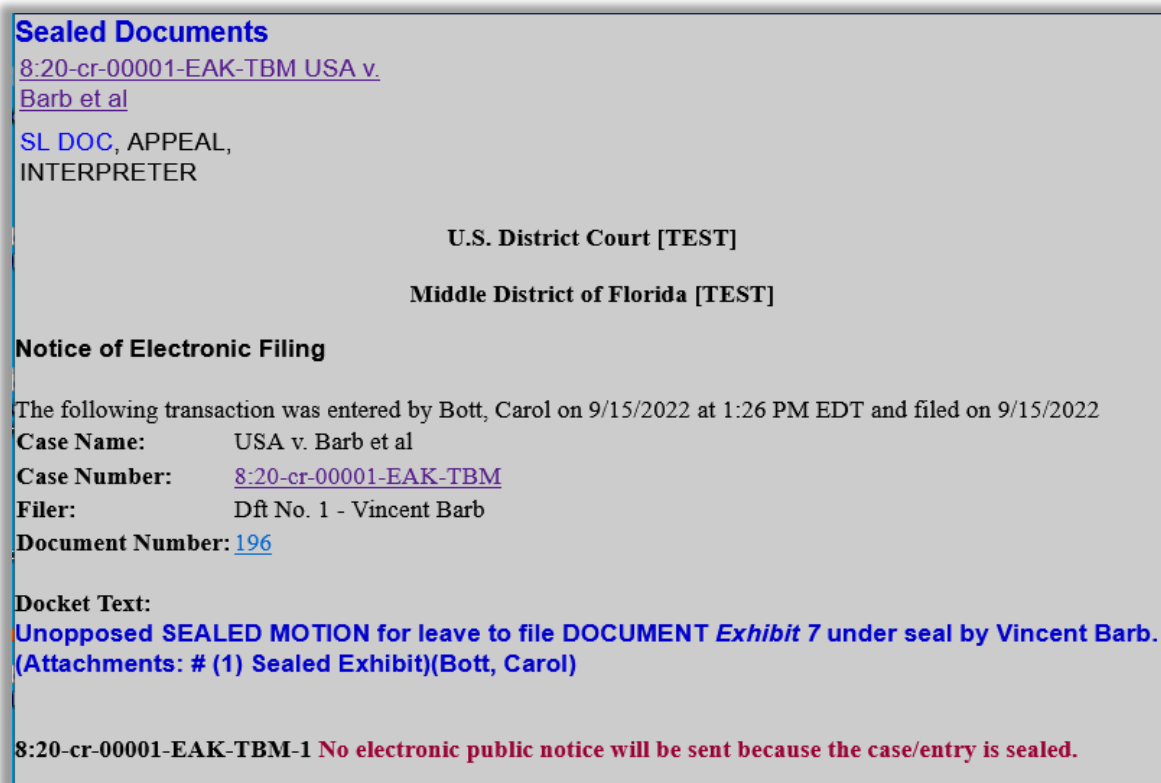
Unopposed SEALED MOTION for leave to file DOCUMENT Exhibit 7 under seal by Vincent Barb. (Attachments: # (1) Sealed Exhibit)(Bott, Carol)

Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.
Have you redacted?

Source Document Path (for confirmation only):
C:\fakepath\Test Motion.pdf pages: 1
C:\fakepath\Sealed Document.pdf pages: 1

Next Clear

11. The NEF screen displays. **No NEF is e-mailed to any party, therefore you must serve all case participants by other means.** Print the NEF and serve it with a copy of the sealed filing.



Sealed Documents
[8:20-cr-00001-EAK-TBM USA v. Barb et al](#)
SL DOC, APPEAL,
INTERPRETER

U.S. District Court [TEST]
Middle District of Florida [TEST]

Notice of Electronic Filing

The following transaction was entered by Bott, Carol on 9/15/2022 at 1:26 PM EDT and filed on 9/15/2022

Case Name: USA v. Barb et al
Case Number: [8:20-cr-00001-EAK-TBM](#)
Filer: Dft No. 1 - Vincent Barb
Document Number: [196](#)

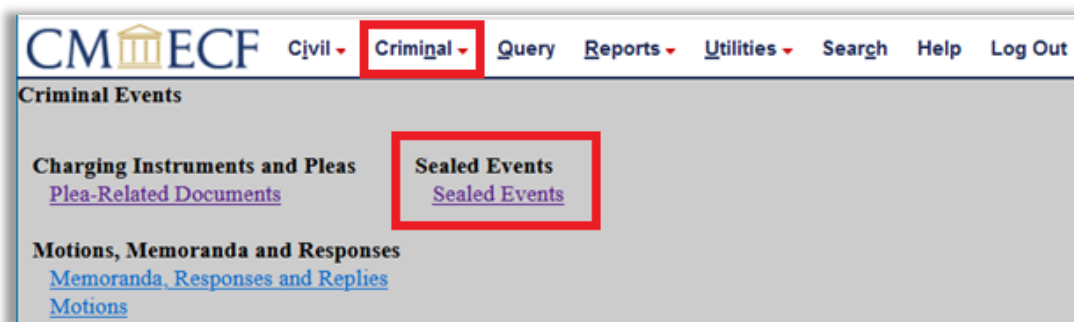
Docket Text:
Unopposed SEALED MOTION for leave to file DOCUMENT *Exhibit 7* under seal by Vincent Barb. (Attachments: # (1) Sealed Exhibit)(Bott, Carol)

8:20-cr-00001-EAK-TBM-1 **No electronic public notice will be sent because the case/entry is sealed.**

12. Proceed to the next section only **after** the court grants your sealed motion for leave to file under seal.

STEP-BY-STEP INSTRUCTIONS: File a Sealed Document

1. After you have obtained leave of court to file a document under seal (i.e., your motion for leave to file under seal is granted), begin filing your sealed document by selecting the CM/ECF **Criminal** menu and then **Sealed Events**.



CM/ECF Civil Criminal Query Reports Utilities Search Help Log Out

Criminal Events

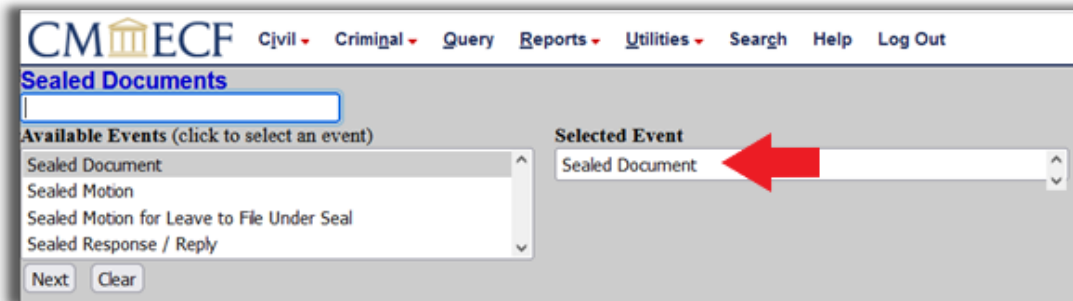
Charging Instruments and Pleas
[Plea-Related Documents](#)

Sealed Events
[Sealed Events](#)

Motions, Memoranda and Responses
[Memoranda, Responses and Replies](#)
[Motions](#)

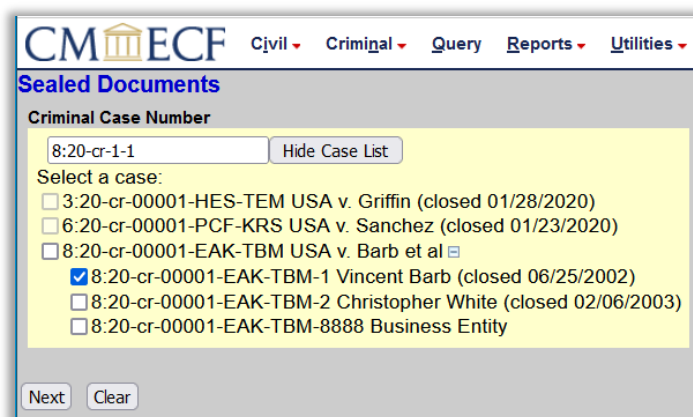
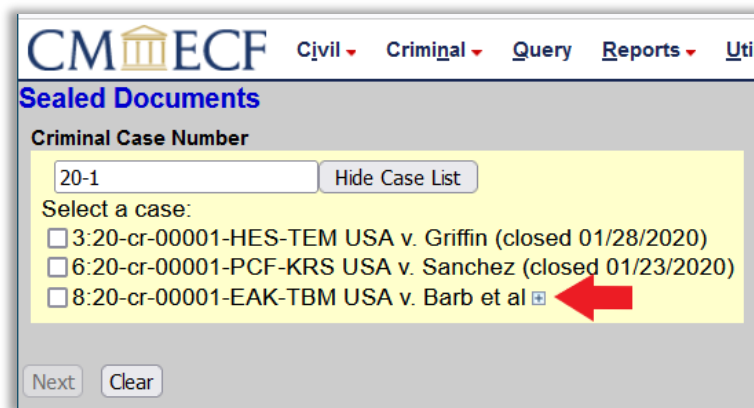
- Click to highlight and select the applicable event under **Available Events**. The selected event will display under **Selected Event** (“Sealed Document” is selected as an example in the image below).

Note: Any sealed item that is not a motion or response/reply should be filed using the **Sealed Document** event.

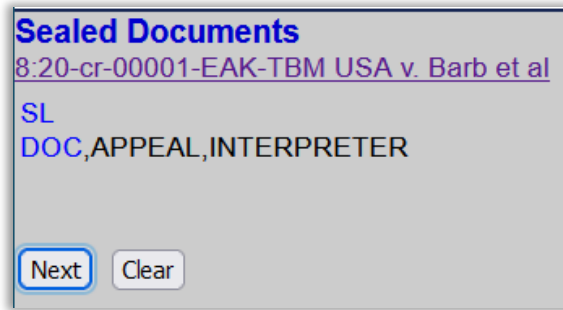


- Enter the case number. A partial case number can be entered. When presented with a list of cases, click the box to select the applicable case or defendant(s).

IMPORTANT: In multi-defendant cases, **select ONLY the applicable defendant(s)**. A plus-sign icon indicates multi-defendants. Click the plus sign to expand the defendant list (sample images below).

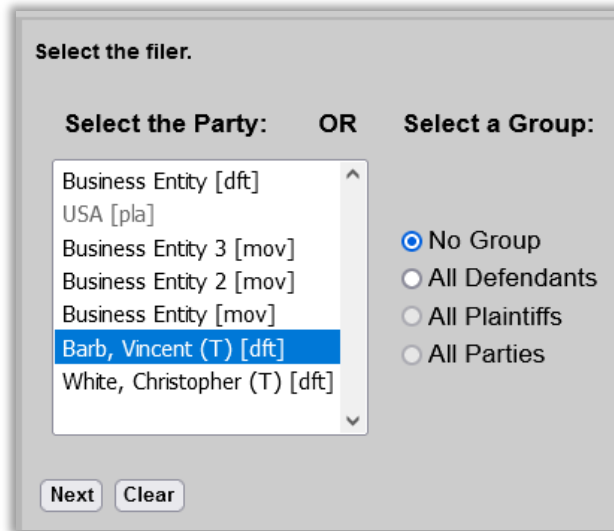


4. Verify Case Caption/Number Screen. If accurate, click **Next**.



Sealed Documents
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SL
DOC,APPEAL,INTERPRETER

5. Click to highlight and select the **Filer(s)**. Hold the “Ctrl” key to select multiple non-contiguous parties.



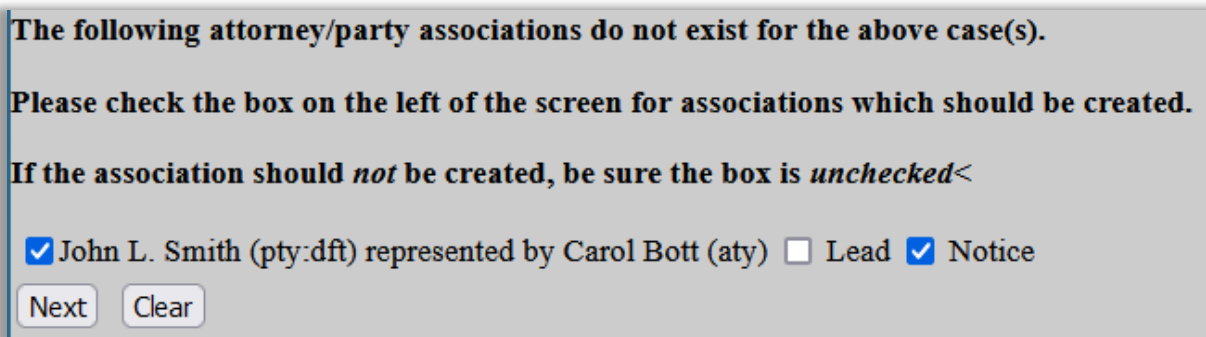
Select the filer.

Select the Party: OR Select a Group:

Business Entity [dft]
USA [pla]
Business Entity 3 [mov]
Business Entity 2 [mov]
Business Entity [mov]
Barb, Vincent (T) [dft]
White, Christopher (T) [dft]

No Group
 All Defendants
 All Plaintiffs
 All Parties

The party/attorney association screen will appear only when the filing attorney is not already associated with the selected party. If accurate, leave the default Notice selection checked. If the filing attorney is lead counsel, mark “Lead” with a check and click Next. If the association should not be created, start over.



The following attorney/party associations do not exist for the above case(s).

Please check the box on the left of the screen for associations which should be created.

If the association should *not* be created, be sure the box is *unchecked*

John L. Smith (pty:dft) represented by Carol Bott (aty) Lead Notice

6. Answer the question, “Do you have permission from the Court to file this document under seal?”

Sealed Documents
[8:20-cr-00001-EAK-TBM USA v. Barb et al](#)
SL DOC, APPEAL, INTERPRETER

Do you have permission from the Court to file this document under seal?

Yes
 No

Next Clear

If **No**, **STOP** and file a [Sealed Motion for Leave to File Under Seal](#).

Sealed Documents
[8:20-cr-00001-EAK-TBM USA v. Barb et al](#)
SL DOC, APPEAL, INTERPRETER

Since you do not have permission to file this document under seal, you must first seek leave to file under seal using the event, *Sealed Motion for Leave to File Under Seal*.

If **Yes**, click the radio button to select “yes” and proceed to the next step.

7. The following prompt will only appear for the **Sealed Response/Reply** event. Click the radio button to select the type of document you are filing.

Select the type of document you are filing:

Response
 Reply

Next Clear

- Review the warning on the document attachment screen for the **Sealed Document**, **Sealed Motion**, and **Sealed Response/Reply** events. Attach your document(s). Click the **Browse** button to navigate to your saved .pdf document and attach as the **Main Document**.

If you have additional sealed **Attachments**, upload under the **Attachments** section. Select the **Category** from the drop-down list and/or add a **Description** for all **Attachments**. Although the description will not be accessible to the public, the description should be brief.

WARNING!:
This is a sealed docketing event. This docket entry and the attached documents will automatically be sealed.

Select the PDF document and any attachments.

Main Document
 Browse... Test Motion.pdf

Attachments

| | Attachments | Category | Description |
|----|-----------------------------|----------|------------------------|
| 1. | Browse... Memo.pdf | | Memo in Support Remove |
| 2. | Browse... No file selected. | | |

Next Clear

- The **Sealed Document**, **Sealed Motion**, and **Sealed Response/Reply** events should link back to the Order or minute entry granting permission to file the sealed item, when the order or minute entry is available for selection. Please note that sealed docket entries will not be available for selection. The linking screens vary in each event.

When filing the **Sealed Document** or **Sealed Motion** events, the filer will be prompted to select the Order or minute entry granting leave to file under seal and will also have the option to link the sealed document or motion to an additional, related docket entry. Check the box to view the docket entry selection screen. On the docket entry selection screen, you may have to scroll to locate the appropriate docket entry as every docket entry will display for selection or below, use the **Filed** and/or **Documents** filters to narrow the search.

Select the Order or minute entry granting permission to file this document under seal. If this document should relate to an additional filing, select that as well.

Please note that sealed docket entries will not be available to select.

Should the document you are filing link to another document in this case?

Filed [] to []

Documents [] to []

Next Clear

The **Sealed Response / Reply** event will prompt the filer to select the motion(s) to which this response/reply relates and the Order or minute entry granting permission to file under seal (and additional docket entries when applicable). Check the box to view the docket entry selection screen. On the docket entry selection screen, you may have to scroll to locate the appropriate docket entry as every docket entry will display for selection or below, use the **Filed** and/or **Documents** filters to narrow the search.

Select the motion or motions in which this response/reply relates and select the Order or minute entry granting permission to file this item under seal.

Please note that sealed docket entries will not be available to select.

Should the document you are filing link to another document in this case?

Filed to

Documents to

Next Clear

10. **Docket entry selecting screen for linking.** Check the box next to the applicable order or minute entry granting permission to file under seal and when applicable, select additional docket entries. When filing a **Sealed Response/Reply**, select the motion to which this response/reply relates.

Note: Sealed docket entries will not display for selection. If all the related docket entries are sealed, click the Back button and un-check the linking box (on the previous screen) in order to move forward.

Select the appropriate event(s) to which your event relates:

8:20-cr-00001-EAK-TBM Vincent Barb

09/08/2022 [189](#) ORDER as to Business Entity, Vincent Barb, Christopher White. Signed by Judge Elizabeth A. Kovachevich on 9/8/2022. (NAS)

09/15/2022 [197](#) ORDER granting 192 Sealed Motion (This document is sealed and only available to the Court) as to Vincent Barb (1). Signed by Judge Elizabeth A. Kovachevich on 9/15/2022. (NAS)

09/15/2022 [198](#) ORDER granting 196 Sealed Motion for leave to file under seal (This document is sealed and only available to the Court) as to Vincent Barb (1). Signed by Judge Elizabeth A. Kovachevich on 9/15/2022. (NAS)

Next Clear

11. Review the warning message.

Only authorized Court personnel will be able to view this filing. Neither the general public nor attorneys of record will be able to view this docket entry or any attached document. Therefore, you cannot rely on the Notice of Electronic Filing to effect service. You must serve this filing on all applicable parties by some other means.

On the next screen, enter descriptive docket text as applicable to this filing.

Next Clear

12. Although the docket text is not visible to the public, the description should be brief. Select a prefix when applicable from the drop-down and/or add additional text in the text boxes. Docket text will vary depending on how the filing is linked (samples below).

Sample docket text for the **Sealed Document** event:

Docket Text: Modify as Appropriate.

Amended **SEALED DOCUMENT**

Exhibit 7 re [198] Sealed Order on Sealed Motion for
Leave to File Under Seal by Vincent Barb. (Bott, Carol)

Next Clear

Sample docket text of the **Sealed Motion** event:

Docket Text: Modify as Appropriate.

Unopposed **SEALED MOTION**

for extension of time **by Vincent Barb. (Bott, Carol)**

Next Clear

Sample docket text for the **Sealed Response/Reply** event:

Docket Text: Modify as Appropriate.

SEALED RESPONSE

in opposition to [114] Motion to Continue by Vincent Barb.
(Attachments: # (1) Memo in Support) (Bott, Carol)

Next Clear

13. **Verify the accuracy of the docket text, review the warning, and review the source document path.** After you select **Next**, your document is filed. If you discover an error on this screen, start over from the beginning. **DO NOT** use the Back button.

Sealed Documents
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SL DOC, APPEAL,
INTERPRETER

Docket Text: Final Text
Unopposed SEALED MOTION for extension of time by Vincent Barb. (Bott, Carol)

Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.
Have you redacted?

Source Document Path (for confirmation only):
C:\fakepath\Test Motion.pdf pages: 1

14. The NEF screen displays. Remember, an NEF **IS NOT** sent to any party in the case. The docket entry and the documents are not accessible to the parties nor the public. **Therefore, you must serve all sealed documents by other means.** Print the NEF and serve it and the sealed document on opposing counsel.

Sealed Documents
[8:20-cr-00001-EAK-TBM USA v. Barb et al](#)
SL DOC, APPEAL,
INTERPRETER

U.S. District Court [TEST]
Middle District of Florida [TEST]

Notice of Electronic Filing

The following transaction was entered by Bott, Carol on 6/2/2022 at 1:06 PM EDT and filed on 6/2/2022
Case Name: USA v. Barb et al
Case Number: [8:20-cr-00001-EAK-TBM](#)
Filer: Dft No. 1 - Vincent Barb
Document Number: [145](#)

Docket Text:
Unopposed SEALED MOTION for extension of time by Vincent Barb. (Bott, Carol)

8:20-cr-00001-EAK-TBM-1 No electronic public notice will be sent because the case/entry is sealed.

The following document(s) are associated with this transaction:

Document description:Main Document
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1069447731 [Date=6/2/2022] [FileNumber=313947-0]
[34abc8aa6f3506efae694010284f4f4160a30944db3d5538e6777c4d4cca28b736fa3
cd58c06a32c0093b1d5f8cb2038303080c2721625197566237d489e204c]]

Revision Log

| Date | Comments | By |
|----------|--|-----|
| 10/11/22 | Procedure posted in preparation of 11/7/22 effective date. | NAS |
| | | |
| | | |
| | | |