

ELEVENTH CIRCUIT GUIDE TO ELECTRONIC FILING

Introduction

The United States Court of Appeals for the Eleventh Circuit requires attorneys to file documents electronically, subject to exceptions set forth in the Eleventh Circuit Rules and this Guide, using the Electronic Case Files (“ECF”) system. Non-incarcerated pro se parties are permitted file documents electronically using the ECF system, unless the Court revokes that permission.

Participation in the ECF System

Participation in the ECF system by attorneys is mandatory. See 11th Cir. R. 25-3. Reasonable exceptions will be allowed, upon motion and a showing of good cause. Participation in the ECF system by non-incarcerated pro se parties is voluntary.

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1. Definitions

- 1.1. **Document** means any order, opinion, judgment, petition, application, notice, transcript, motion, brief, or other filing in a case.
- 1.2. **ECF (Electronic Case Files)** means the system maintained by the Court for receiving and storing documents in electronic format.
- 1.3. **ECF Filer** means an attorney or non-incarcerated pro se party who has registered as described in Section 2 of this Guide and is therefore authorized to file documents electronically and to receive service through the ECF system.
- 1.4. **NDA (Notice of Docket Activity)** is a notice generated automatically by the ECF system at the time a document is filed and a docket entry results. This notice sets forth the date of filing, the text of the docket entry, and the names of the attorneys or pro se parties required to receive notice of the filing. If a PDF document is attached to the docket entry, the NDA will also identify the person filing the document and the type of document, and will contain a hyperlink to the filed document. Any document filed by the Court will similarly list those to whom electronic notice of the filing is being sent.
- 1.5. **PACER (Public Access to Court Electronic Records)** is an electronic system that allows internet users to view, print, and download electronically maintained docket information and federal court documents.
- 1.6. **PDF (Portable Document Format)** means a non-modifiable electronic file containing the “.pdf” file extension. Text-Searchable PDF means a PDF file generated from an original word-processing file rather than scanned.

2. Registration/Passwords

- 2.1. Unless an attorney is granted an exemption, an attorney must register to file and serve documents electronically using the ECF system. Registration by non-incarcerated pro se parties is voluntary.
- 2.2. To register as a user of the ECF system, an attorney or pro se party must submit to the PACER Service Center a completed ECF Registration form. PACER Service Center contact information is shown in Section 13. An

attorney must be a member of the Eleventh Circuit bar, admitted for a particular proceeding under 11th Cir. R. 46-3, admitted pro hac vice in a particular case, or appearing in a particular case as a pro se party.

- 2.3. In addition to ECF registration, the attorney, the attorney's firm, or the pro se party must have a PACER account and an e-mail address. The log-in and password for ECF access will be used to file documents electronically with the Court.
- 2.4. Upon receipt of the attorney or pro se party's registration information from the PACER Service Center, the clerk will determine eligibility and activate the ECF Filer's account. Authorized use of an ECF Filer's log-in and password by another is deemed to be the act of the ECF Filer. If a log-in and/or password should become compromised, the ECF Filer is responsible for notifying the PACER Service Center (see contact information in Section 13).
- 2.5. An ECF Filer whose e-mail address, mailing address, telephone number, or fax number changes from that disclosed on the filer's original ECF Registration form must promptly notify the PACER Service Center. Service by the clerk on an obsolete e-mail address will still constitute valid service on an ECF Filer if the filer has failed to notify the PACER Service Center of a new e-mail address.

3. Signatures

- 3.1. ECF Filers – An ECF Filer's use of the assigned log-in and password to submit a document electronically serves as that filer's signature on that document for all purposes. The identity of the ECF Filer submitting the electronically filed document must be reflected at the end of the document by means of an "s/[filer's name]" block showing the filer's name, followed by the filer's business address (if applicable), telephone number, and e-mail address. Graphic and other electronic signatures are discouraged.
- 3.2. Multiple signatures – The ECF Filer of any electronically filed document requiring multiple signatures (e.g., stipulations) must list thereon all the names of other signatories by means of an "s/[filer's name]" block for each. By submitting such a document, the ECF Filer certifies that each of the other

filers has expressly agreed to the form and substance of the document, and that the ECF Filer has their authority to submit the document electronically.

- 3.3.** Clerk of Court and Deputy Clerks – The electronic filing of any document by the clerk of court or a deputy clerk by use of that individual’s log-in and password shall be deemed the filing of a signed original document for all purposes.

4. Electronic Filing/Exceptions

- 4.1.** Except as otherwise required by circuit rule, this Guide, or by order of the Court, all documents submitted by attorneys in cases filed with the Eleventh Circuit must be filed electronically, using the Electronic Case Files (“ECF”) system. Non-incarcerated pro se parties are permitted to file documents electronically using the ECF system, unless the Court revokes that permission. The circuit rules and this Guide govern electronic filings.
- 4.2.** All electronically filed documents must be in PDF form and must conform to all technical and format requirements established by the Court and, if any, the Judicial Conference of the United States. Whenever possible, documents must be in Text-Searchable PDF and not created by scanning.
- 4.3.** The maximum size of a document that may be filed electronically is 50 MB (megabytes). If a document exceeds 50 MB, it must be filed in separate volumes, each not to exceed 50 MB.
- 4.4.** The electronic filing of a Certificate of Interested Persons (CIP) in the ECF system does not relieve an ECF Filer who is an attorney of the requirement to also complete and keep updated the web-based CIP on the Court’s website. To complete the web-based CIP, counsel must obtain from the clerk an Eleventh Circuit EDF number that is independent of PACER and ECF passwords.
- 4.5.** The following documents are exempted from the electronic filing requirement and are to be filed in paper format:
- (1) Any document filed by an incarcerated party who is not represented by counsel;
 - (2) A document filed under seal or requested to be filed under seal;

- (3) A voucher and associated documents pertaining to a claim for reimbursement of expenses under Addendum Five; and
 - (4) Any documents pertaining to a request for authorization, a claim for compensation, or a claim for reimbursement of expenses under the Criminal Justice Act that are not otherwise appropriate for submission through the eVoucher system.
- 4.6.** No unrepresented incarcerated party may file electronically; such parties must submit documents in paper format. The clerk will scan such documents into the ECF system, and the electronic version scanned in by the clerk will constitute the official record of the Court as reflected on its docket. The clerk may divide an oversized document into separate volumes for purposes of scanning.

5. Entry on the Docket/Official Court Record

- 5.1.** The electronic transmission of a document, together with transmission of the NDA from the Court, in accordance with the policies and procedures adopted by the Court, constitutes the filing of the document under the Federal Rules of Appellate Procedure and constitutes the entry of that document onto the official docket of the Court maintained by the clerk pursuant to FRAP 45(b)(1).
- 5.2.** The electronic version of filed documents, whether filed electronically in the first instance or received by the clerk in paper format and subsequently scanned into electronic format, constitutes the official record in the case.
- 5.3.** Later modification of a filed document or docket entry by the ECF Filer is not permitted except as authorized by the Court. The clerk may edit the docket entry to correct or supplement the text. A notation will be made indicating the entry was edited. A document submitted electronically is deemed to have been filed on the date indicated in the system-generated NDA.
- 5.4.** When the clerk scans a document into the ECF system, the clerk will discard the paper document once it has been scanned and made a part of the official record, unless the electronic file thereby produced is incomplete or of questionable quality.

5.5. Except as otherwise provided by circuit rule or Court order, all orders, decrees, judgments, and proceedings of the Court relating to cases filed and maintained in the ECF system will be filed in accordance with the circuit rules and this Guide and will constitute entry on the docket kept by the clerk and service on parties under FRAP 36, 45(b)(1), and 45(c). Any order or other court-issued document filed electronically without the original signature of a judge or authorized Court personnel has the same force and effect as if the judge or clerk had signed a paper copy of the order.

6. Filing Deadlines/Technical Failure

6.1. Filing documents electronically does not in any way alter any filing deadlines. When a specific time of day deadline is set by Court order or stipulation, the electronic filing must be completed by that time. Otherwise, electronic filing must be completed by 11:59 p.m. Eastern Time to be considered timely filed that day. An electronically filed document is deemed filed upon completion of the transmission and issuance of an NDA.

6.2. The uploading of an incorrect document, or the filing of a document in the wrong case, does not constitute compliance with filing deadlines. In the event that an ECF Filer uploads an incorrect document, or files a document in the wrong case, the clerk will send the ECF Filer notice of the error. If the ECF Filer corrects the error within 5 days of the clerk's notice, a motion to file the document out of time is not required. Otherwise, the ECF Filer must also electronically file in the case a motion to file the document out of time.

6.3. When a correction to an electronically filed document (e.g., motion, brief, or appendix) is necessary, the ECF Filer must upload the entire new document, and not just the corrected pages.

6.4. An ECF Filer whose filing is untimely as the result of a technical failure may seek appropriate relief from the Court. To resolve a technical failure that may be attributable to the PACER Service Center or the Court, the filer should communicate with the appropriate contact person as shown in Section 13:

- a. Technical issues such as log-in and password questions, and creating and uploading PDF documents, should be directed to the **PACER Service Center help desk**.
- b. Procedural questions concerning how to docket a specific event should be directed to the **Eleventh Circuit ECF help desk**. This includes any instance in which an ECF Filer has transmitted a document to the ECF system and did not thereafter receive an NDA.

7. Service of Documents

- 7.1.** Registration to use the ECF system constitutes consent to receive electronic service of all documents as provided by the Federal Rules of Appellate Procedure and the circuit rules, as well as to receive electronic notice of correspondence, orders, and opinions issued by the Court.
- 7.2.** ECF Filers must comply with FRAP 25 when filing electronically. The ECF system will automatically generate and send by e-mail an NDA to all ECF Filers participating in the case. This notice constitutes service on those ECF Filers. Independent service, either by paper or otherwise, need not be made on any ECF Filer and no certificate of service is required.
- 7.3.** Incarcerated pro se litigants, non-incarcerated pro se litigants who choose not to file electronically or whose permission to file electronically has been revoked, and attorneys who are exempt from electronic filing must be served by the filing party through the conventional means of service set forth in FRAP 25 and a certificate of service is required.
- 7.4.** Except as may otherwise be provided by circuit rule or Court order, all orders, opinions, judgments, and other Court-issued documents in cases maintained in the ECF system will be filed and served on ECF Filers electronically.

8. Access to Documents

- 8.1.** Access to all documents maintained electronically, except those under seal, is available to any person through the PACER system, with certain exceptions (see Section 12.2). PACER accounts are established through the PACER Service Center. See contact information in Section 13.

9. Documents Under Seal

- 9.1.** A motion to file documents under seal may be filed electronically unless prohibited by law, circuit rule, or Court order. Do not attach to the motion the sealed documents or documents requested to be sealed. Documents requested to be sealed must be submitted in paper format in a sealed envelope, and must be received by the clerk within 10 days of filing the motion. The face of the envelope containing such documents must contain a conspicuous notation that it contains “DOCUMENTS UNDER SEAL,” or substantially similar language.
- 9.2.** Documents filed under seal in the court from which an appeal is taken will continue to be filed under seal on appeal to this Court.

10. Briefs/Petitions for Rehearing/Petitions for En Banc Consideration

- 10.1.** The electronically filed brief is the official record copy of the brief.
- 10.2.** Use of the ECF system does not modify the requirements of the circuit rules that ECF Filers must provide to the Court the required number of paper copies of a brief, a petition for rehearing, a petition for initial en banc consideration, or a petition for rehearing en banc, specified in the circuit rules. ECF Filers will be considered to have complied with this requirement if, on the day the electronic brief or petition is filed, the filer sends the required number of paper copies to the clerk using one of the following methods outlined in FRAP 25(a)(2)(A)(ii):
- a. mail to the clerk by First-Class Mail, or other class of mail that is at least as expeditious, postage prepaid; or
 - b. dispatch to a third-party commercial carrier for delivery to the clerk within three days.

11. Appendices

- 11.1.** The electronically filed appendix is the official record copy of the appendix. Use of the ECF system does not modify the requirements of 11th Cir. Rules 30-1 and 30-2 that ECF Filers must provide to the Court the required number of paper copies of an appendix specified in those rules. ECF Filers will be

considered to have complied with this requirement if, on the day the electronic appendix is filed, the filer sends two paper copies to the clerk using one of the methods outlined in FRAP 25(a)(2)(A)(ii). If the appeal is classed for oral argument, the ECF Filer (except for pro se parties proceeding in forma pauperis) must file an additional three identical paper copies of the appendix in accordance with 11th Cir. R. 30-1(d).

12. Privacy Protection and Redactions

- 12.1.** In accordance with FRAP 25(a)(5) and 11th Cir. R. 25-5, an ECF Filer must redact all documents, including briefs, consistent with the privacy policy of the Judicial Conference of the United States. Required redactions include Social Security numbers and taxpayer identification numbers (use last four digits only), names of minor children (use initials only), birth dates (use year of birth only), financial account numbers (use last four digits only), and home addresses (use city and state only). It is the responsibility of the filer to redact pleadings appropriately.
- 12.2.** Remote electronic access to immigration and Social Security dockets is limited. See FRAP 25(a)(5) and 11th Cir. R. 25-5. In this regard, remote electronic public access to the full record in these cases is restricted to judges, Court staff, and the parties and attorneys in the appeal or agency proceeding. Access to orders and opinions is not restricted in these cases. Parties seeking to restrict access to orders and opinions must file a motion explaining why that relief is required in a given case.

13. Contacts

PACER Service Center

Technical issues such as log-in and password questions, and creating PDF documents, should be directed to the PACER Service Center help desk:

PACER Service Center
P.O. Box 780549
San Antonio, TX 78278
Tel. 800-676-6856 or 210-301-6440
www.pacer.gov

Eleventh Circuit ECF help desk

Procedural questions concerning how to docket a specific event should be directed to the Eleventh Circuit ECF help desk at 404-335-6125. This includes any instance in which an ECF Filer has transmitted a document to the ECF system and did not thereafter receive an NDA. The ECF help desk is available while the Clerk's Office is open per 11th Cir. R. 45-1(b).