

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

IN RE:

AMENDMENT OF CM/ECF RULE 12.2

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LR-23-02

FILED

CLERK'S OFFICE
United States District Court
Eastern District of Tennessee
Date: *Nov 14, 2023, 3:18 pm*

ORDER

Pursuant to 28 U.S.C. § 2071, it is hereby **ORDERED** that Rule 12.2 (Sealed Documents) of the Electronic Case Filing Rules and Procedures of the United States District Court for the Eastern District of Tennessee is **AMENDED** to read as follows:

12.2 Sealed Documents.

A party wanting to file a document under seal must file a motion using the *Leave to File Document Under Seal* motion event. The document sought to be sealed is not to be filed as an attachment to the motion. The document shall be docketed separately from the motion using the *Proposed Sealed Document* event.¹ This event will automatically seal the document.

If the motion is granted, the clerk's office will revise the docket text from "proposed sealed document" to "sealed document," except in the case of a sealed motion. If the proposed sealed document is a motion, and the motion to seal is granted, the clerk's office will retrieve and re-docket the sealed motion. If the motion is denied, the clerk's office will delete the document and modify the docket entry to note the document was deleted upon the denial of the motion to seal.

Motions to seal will not be sealed. Counsel is strongly encouraged to set forth in the motion the justification for sealing in such a way that the motion need not be sealed. If counsel deems it necessary for the justifications to be sealed, counsel shall note in the motion that a memorandum is being filed and request that the memorandum and the document be sealed. The memorandum is not to be filed as an attachment to the motion. The memorandum shall be docketed separately from the motion using the

¹ This event is located under "Other Documents."


SEALED Memo in Support of Leave to File Doc Under Seal event.² This event will automatically seal the memorandum.

If the court orders the memorandum sealed, no further action will be needed. If the court does not order the memorandum sealed, the clerk's office will delete the memorandum and modify the docket entry to note the memorandum was deleted upon the ruling on the motion.

In certain instances, attorneys of record may be given access to sealed documents (e.g., social security cases, certain matters related to search instruments, and disciplinary matters). Otherwise, only court personnel will have access to sealed documents. Unless otherwise directed by the Court, docket entries for sealed documents will appear on the publicly viewable docket report, but the document will not be viewable to the public. A notice of electronic filing will be sent upon the filing of a sealed document. However, non-court users will not be able to access the document. Accordingly, service of proposed sealed documents and memoranda in support of motions to seal must be made in some other manner allowed under the *Federal Rules of Civil Procedure* or *Federal Rules of Criminal Procedure*.

NOTE: These procedures do not apply to motions and orders sealing criminal complaints, indictments and informations, which are governed by Local Rule 26.2 (c) and Sections 4.5.1 and 4.5.2 of these rules and procedures.

SO ORDERED.



TRAVIS R. MCDONOUGH
CHIEF UNITED STATES DISTRICT JUDGE

² This event is located under "Filings in Support of Motion."