UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2007-50

FILED by ___ D.C.
OCT - 5 2007
CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

IN RE: SEALING OF INAPPROPRIATE MATERIAL FILED WITH THE COURT

_____/

In the interest of public policy, the Court finds it necessary to modify Section 6 of the CM/ECF Administrative Procedures to address the filing of materials which would otherwise be inappropriate for display or distribution to the public, including minors, through PACER or the CM/ECF System. These inappropriate materials include images (not textual descriptions) depicting sexual acts or excretory acts that could be described as pornography or indecent or vulgar even if not legally obscene. A document containing such visual materials may only be filed electronically in a redacted version describing in words the images but removing all images. Alternatively, the proponent may file in the conventional manner, along with a motion to seal. Counsel and parties are cautioned that failure to protect such images from public dissemination, which includes minors, may subject them to the disciplinary authority of the Court. It is hereby

ORDERED that Section 6 of the CM/ECF Administrative Procedures in the Southern District of Florida is modified as noted above. It is further

ORDERED that the Clerk of Court is required, to temporarily seal any document that appears to contain images which would otherwise be inappropriate for display or distribution, as noted above. That the temporarily sealed document will immediately be forwarded to the judge assigned to the case in which the document was filed to determine if the document should remain sealed. The Clerk's Office will immediately notify the parties that a document has been temporarily sealed. It is further

ORDERED that Section 6 of the CM/ECF Administrative Procedures is also modified to caution attorneys and parties that failure to protect such information from public dissemination may subject them to the disciplinary authority of the Court. It is further

ORDERED that this order and action taken by the Clerk of Court to temporarily seal such documents does not relieve attorneys and parties from the obligation to comply with Section 6C of the CM/ECF Administrative Procedures.

DONE and ORDERED in Chambers at Miami, Dade County, Florida this 4th day of October 2007.

FEDERICO A. MORENO
CHIEF UNITED STATES DISTRICT JUDGE

Copies furnished to:

The Honorable J.L. Edmondson, Chief Judge
United States Court of Appeals for the Eleventh Circuit
All Southern District and Magistrate Judges
R. Alexander Acosta, United States Attorney
Kathleen Williams, Federal Public Defender
Clarence Maddox, Court Administrator
Reginald Michael, Chief Probation/Pretrial Services Officer
Christina Pharo, United States Marshal
Linda Datko, Circuit Librarian
All members of the Ad Hoc Committee on Rules and Procedures
Daily Business Review