

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

FILED
RICHARD W. NASEL
CLERK OF COURT

2023 AUG 28 PM 12:55

In Re: :
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AUTOMATIC SEALING AND :
PROCEDURES FOR UNSEALING OF :
APPLICATIONS FOR SEARCH :
WARRANTS, PEN REGISTERS, TRAP :
AND TRACE DEVICES, OR COURT :
ORDERS UNDER 18 U.S.C. § 2703(d) :

GENERAL ORDER NO. 23-03¹

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

Pursuant to Fed. R. Crim. P. 41, the Court adopts the following procedures to be used when an attorney for the government or a federal law enforcement officer presents an application or request for a warrant (excluding arrest warrants), a pen register, a trap and trace device, or a court order under 18 U.S.C. § 2703(d) (collectively “Warrant” or “Warrants”) to the Court for issuance. Upon the docketing of any request for a Warrant, the Clerk of Court shall automatically seal each case without further order from the Court.

Upon docketing the return of a Warrant, an attorney for the government shall submit either (1) a motion for the Warrant case to remain sealed indicating the justification for the motion, or (2) a motion to unseal the Warrant case (or unseal with redactions) affirmatively representing that sealing is no longer necessary and unsealing will not disclose the identities of minors, victims, cooperating individuals, or uncharged persons.

Pursuant to Fed. R. Crim. P. 16, an attorney for the government shall disclose all documents and objects as outlined in the Rule, to include the Warrants as referenced herein. Prior to disclosure to the defendant, the attorney for the government must file in the associated Warrant cases a motion to unseal, a motion to unseal with redactions, or (upon a showing of good cause) a motion to continue under seal any and all Warrant cases that are associated with


¹ This General Order supersedes General Order 18-01 as filed by the Court on July 11, 2018.

the Indictment or Information. Any motions to unseal the Warrant case (or unseal with redactions) must be accompanied by an affirmative representation that unsealing will not disclose the identities of minors, victims, cooperating individuals, or uncharged persons. Any motions to continue a Warrant case under seal filed after the arraignment on an Indictment or Information must show good cause setting forth the specific reasons why sealing should continue.

The Clerk shall generate a report of all cases involving Warrants that remain under seal with the Court on the 31st days of January and July each year. On or before those dates, in every case that remains under seal, an attorney for the government shall file a motion to continue under seal indicating the supporting justification or a motion to unseal (or unseal with redactions) affirmatively representing that sealing is no longer necessary and unsealing will not disclose the identities of minors, victims, cooperating individuals, or uncharged persons. For cases that remain under seal, the Clerk shall reset the deadline to January 31st or July 31st², by which an attorney for the government shall file a motion for the Warrant case to remain sealed or a motion for the Warrant case to be unsealed.

IT IS SO ORDERED.

DATED: August 28, 2023



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

² Whichever date follows the filing of the order on motion to continue the Warrant case under seal.