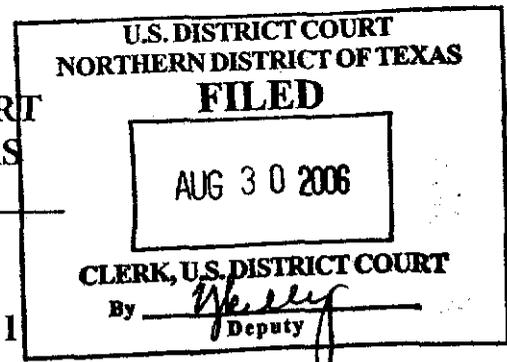


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS



MISCELLANEOUS ORDER NO. 61

Miscellaneous Order No. 61 dated February 21, 2003, and subsequently amended on March 8, 2006, is hereby amended and restated to read in its entirety as follows:

Rule 1. Public Access; Attorney Responsibility to Redact

Any person holding a login and password to the court's public access to electronic records system ("PACER") may read, download, store, and print the full text of certain court documents, including documents filed using the ECF system, via the Internet. This is true even if the person is not a party to, or an attorney appearing in, the case. Only an ECF user may file documents in a case.

The following documents will not be available for inspection through PACER, even if a party holds a login and password:

- 1) a sealed document;
- 2) a document in a social security case; and
- 3) in general, a document in a criminal case that the Judicial Conference has determined should not be in a public case file, such as an unexecuted summons or warrant, the statement of reasons in a judgment of conviction, and a financial affidavit filed in seeking representation pursuant to the Criminal Justice Act.

In a social security case only counsel of record may retrieve a document other than the case docket sheet.

An attorney or a pro se party should not include private or sensitive information in any document filed with the court. If a social security number, tax identification number, a minor's name, a person's birth date, or a financial account number must be included, include only:

- 1) the last four digits of the social security number or tax identification number;
- 2) the minor's initials;
- 3) the year of birth; or
- 4) the last four digits of the financial account number.

In a criminal case, if a home address must be included, only the city and state should be included.

Because documents may also contain information implicating not only privacy but also personal security concerns, an attorney or pro se party should also exercise caution when filing a document that contains any of the following information:

- 1) Medical records, treatment, and diagnosis;
- 2) Employment history;
- 3) Individual financial information;
- 4) Proprietary or trade secret information;
- 5) Information regarding the victim of any criminal activity;

- 6) National security information;
- 7) Sensitive security information as described in 49 U.S.C. § 114(s); or
- 8) Information regarding an individual's cooperation with the government.

In connection with the filing of any material using the ECF system, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically-identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests.

The court will consider a motion to seal or for a protective order on its individual merits.

Rule 2. Delegation of Authority to Clerk to Refund an Erroneous Electronically Paid Fee and to Forego Collection of Fee for an Erroneous Filing

The court delegates to the clerk authority to refund a fee paid by an ECF user when the ECF user has used ECF to pay a fee by credit card and the fee was paid erroneously in that the payment constituted:

- 1) a duplicate fee payment related to the submission of a single document (including a single document erroneously submitted two or more times); or

- 2) a fee payment when no fee was due (*e.g.*, when no document was attached to a submission, or the submission did not require payment of a fee).

To obtain a refund, an ECF user must make a written request to the clerk. Any refund issued by the clerk to an ECF user must be processed through the court's electronic credit card system.

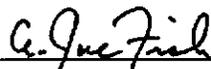
If an ECF user continues (or ECF users from the same law firm continue) to make repeated mistakes when submitting fees electronically, the court may consider remedial action, such as issuing an order to show cause why further requests for refunds should be considered.

Rule 3. Administrative Procedures

The clerk of court is authorized to establish administrative procedures regarding access and use of the ECF system.

SO ORDERED.

August 30, 2006.



A. JOE FISH, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS