IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

FILED

JUN 1 2004

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

IN RE: PROTECTION OF LAW ENFORCEMENT OFFICERS WHILE SERVING COURT ORDERS.	)))	MISC. NO. 3208

ORDER

In considering the public's right of access to court files, this Court recognizes that the public's right of access to all court records must be protected in all but the most limited circumstances. The court further recognizes that in fulfilling their duties law enforcement officers are exposed to potential danger when, pursuant to warrants or similar processes of this or other Courts, they take into custody persons charged with criminal offenses, especially if such persons have prior knowledge that they are subject to arrest or detention.

This Court is tasked with the efficient administration of justice of the federal court system and in fulfillment of that responsibility must balance the right of the public to access documents of their government with the equally important need to protect law enforcement officers. Accordingly, the Court hereby finds that the execution of warrants or other processes of the court requiring the arrest of persons is a circumstance justifying a limitation on the public's right of access to these documents and any related originating documents or orders only until such time as a defendant is taken into custody or a detainer is lodged against the defendant. Therefore, it is

ORDERED as follows:

1. That Miscellaneous Order No. 2:04mc3201-T is VACATED.

2. That the Clerk of the Court shall place under seal all warrants or other processes of the court requiring the arrest of persons and any related originating documents or orders only until such time as the United States Marshal for this district gives notice

a. That a defendant is in custody, or

b. That a detainer has been lodged against a defendant.

3. That nothing in this Order shall be construed as prohibiting the Clerk of the Court from issuing and providing to law enforcement officers the information and processes necessary to carry out their law enforcement duties and responsibilities.

4. That the United States Marshal shall provide notice of a custodial arrest or lodging of a detainer to the Clerk of the Court as soon as possible using the most expeditious means possible.

5. That nothing in this Order shall be construed as prohibiting any law enforcement officer including United States Probation and Pretrial Services Officers from disclosing information about warrants, court processes and related originating documents or orders to the extent necessary for the fulfillment of their duties.

SO ORDERED on behalf of the entire Court this the 1st day of June, 2004.

MARK E. FULLER
Chief United States District Judge

MYRON H. THOMPSON
United States District Judge