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

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

IN RE: PROCEDURES AND PRACTICES FOR CASE MANAGEMENT/ ELECTRONIC CASE FILES (CM/ECF)	)))	**GENERAL ORDER NO. 2:04-mc-3164**

This court is authorized by FED.R.CIV.P. 5 and 83 and FED.R.CRIM.P. 57 to establish practices and procedures for filing, signing, and verifying documents by electronic means.

IT IS THEREFORE ORDERED as follows:

1. The Case Management/Electronic Case Files (CM/ECF) System shall be adopted and will replace the existing docketing and case management systems. The CM/ECF System will have two components: CM/ECF Electronic Noticing and CM/ECF Electronic Filing.

2. All counsel, absent good cause shown, shall register for CM/ECF Electronic Noticing (E-Noticing).

3. The Clerk of the Court is authorized to publish and implement interim civil and criminal *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents in the District Court under the Case Management/Electronic Case Files (CM/ECF) System (CM/ECF Administrative Procedures*), which shall govern electronic noticing and filing in this district including the procedure for registration of attorneys and for the distribution of passwords to permit electronic filing and noticing of pleadings and other documents. This General Order is considered by the court to be consistent with the Federal Rules of Civil and Criminal Procedure and the Local Rules of the Middle District of Alabama. Any conflicts between the Administrative Procedures published by the Clerk of the District Court and any of the applicable Rules should be brought to the Court's attention immediately. Due to extraordinary circumstances in a particular case, a District or Magistrate Judge may modify the requirements of the administrative procedures as justice may require.

4. The electronic filing of petitions, pleadings, motions, or other documents by an attorney who is a registered participant in the CM/ECF Electronic Filing System shall constitute the signature of that attorney under Federal Rule of Civil Procedure 11. Pleadings, motions or other papers or documents filed electronically shall be in a visual format that would comply with M.D. ALA. LR 5.5 if not filed electronically.

5. No attorney shall knowingly permit or cause to permit his/her password to be used by anyone other than an authorized employee of his/her law firm.

6. No person shall knowingly use or cause another person to use the password of a registered attorney unless the user of the password is an authorized employee of the law firm.

7. The electronic filing of pleadings or other documents in accordance with the *CM/ECF Administrative Procedures* shall constitute entry of that pleading or other document on the docket kept by the Clerk under Federal Rule of Civil Procedure 79.

8. The Office of the Clerk shall enter all orders, decrees, judgments, and proceedings of the Court in accordance with the *CM/ECF Administrative Procedures*, which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the Clerk under Federal Rule of Civil Procedure 58 and Federal Rule of Criminal Procedure 55.

9. Service

A. Except for original process, whenever pleadings or other documents are filed electronically in accordance with the *CM/ECF Administrative Procedures*, the Office of the Clerk shall serve the filing party with a "Notice of Electronic Filing" by electronic means at the time of docketing.

B. The filing party shall serve the pleadings or other documents upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the Rules, the filing party may make service in accordance with subparagraph (C) below.

C. If the recipient of notice or service is a registered participant in the CM/ECF System, service by electronic means of the Notice of Electronic Filing shall be the equivalent of service of the pleadings or other documents by first class mail, postage prepaid.

D. Service by electronic means is complete on transmission.

E. Service by electronic means is not effective if the party making service learns that the attempted service did not reach the person to be served.

10. Participation in the CM/ECF Electronic Noticing System, as required of all attorneys who wish to practice in this Court, by completion of a registration constitutes a request for service and notice electronically pursuant to FED.R.CIV.P. 5(b)(2)(D) and FED.R.CRIM.P. 49. Participants in the CM/ECF Electronic Noticing System agree to receive service of all orders, pleadings, and documents, with the exception of original process, by electronic means.

Participation in the CM/ECF Electronic Filing System by completion of a registration form and receipt of a password from the Court shall constitute a request for service and notice electronically pursuant to FED.R.CIV.P. 5(b)(2)(D) and FED.R.CRIM.P. 49. Participants in the Electronic Case Filing System, by receiving a password from the Court, agree to receive service by electronic means and to comply with the *CM/ECF Administrative Procedures* in all filings.

11. The effective date of this General Order is April 5, 2004.

Done this the 6th day of FEBRUARY, 2004.

W. HAROLD ALBRITTON
CHIEF UNITED STATES DISTRICT JUDGE

MYRON H. THOMPSON
UNITED STATES DISTRICT JUDGE

MARK E. FULLER
UNITED STATES DISTRICT JUDGE