

United States District Court

Eastern District of Missouri
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street
St. Louis, Missouri 63102

Gregory J. Linhares
Clerk of Court

314-244-7900

PUBLIC NOTICE OF APPROVED AMENDMENTS TO LOCAL RULES

Revisions, New Effective Dates on Other Previously-Proposed Rules Changes to Follow

Date: January 30, 2017

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The United States District Court for the Eastern District of Missouri announces that the previously-proposed revisions to Local Rules 2.08, 8.03, and 13.05 will take effect on February 1, 2017, as proposed. The Court received no comments on these three proposed rules.

To read the new rules in full, go to <http://www.moed.uscourts.gov>, contact the Office of the Clerk at the number above or via e-mail at greg_linhares@moed.uscourts.gov, or visit the Eagleton Courthouse (address above) or Limbaugh Courthouse at 555 Independence Street, Cape Girardeau, MO 63703. A summary of the new amendments is provided below.

Local Rule 2.08, Assignment of Actions and Matters

The amended rule allows for filing of Notice Regarding Magistrate Judge Jurisdiction via electronic means. (The previously proposed amendment stating that consent to a Magistrate Judge means consent to any Magistrate Judge, not just the Magistrate Judge to whom the case is assigned currently, has been withdrawn.)

Local Rule 8.03, Bill of Costs

The amended rule clarifies that submission of a Bill of Costs up to twenty-one days after final judgment applies specifically to final judgment in the District Court. The rule also clarifies that a judge is allowed to order some other time period or method for submission of a Bill of Costs as appropriate. (The previously proposed amendment allowing attorneys to submit a Bill of Costs up to twenty-one days after issuance of the mandate or other order terminating action by the Court of Appeals on a District Court case has been withdrawn.)

Local Rule 13.05, Pleadings and Documents File Under Seal

This amendment establishes a process for creating a sealed record in all criminal cases so that a defendant's cooperation or lack of cooperation with the government in any given case cannot be determined from the public record, and makes substantial changes regarding written communication to the Court by non-parties about defendants prior to sentencing.

With regard to establishing a process so that a defendant's cooperation or lack thereof cannot be determined from the public record, a sealed record will be created in all criminal cases involving a plea agreement. This record will include a sealed statement from the government indicating cooperation or lack thereof in the case, and a sealed transcript of the discussion in court as to the defendant's cooperation or lack thereof.

The Court may establish by administrative order other processes consistent with this rule in order to ensure that cooperation or non-cooperation cannot be determined from the public record. Training materials that further describe these processes can be found at:

<http://www.moed.uscourts.gov/sites/default/files/Procedures%20Regarding%20Cooperator%20Information%20&%20Sealing%20-%20for%20court%20training.pdf>

With regard to written communication to the Court by non-parties about defendants prior to sentencing, such communication will be made available at the public terminal in the courthouse but will not be available on the Court's remote public access portal (i.e. PACER). Personally identifying information must not be included on any such written communication submitted to the Court. In addition any party can, for good cause, move to seal all or any portion of any such communication. The Court has published a notice stating the types of information that cannot be included. That notice can be found at:

<http://www.moed.uscourts.gov/sites/default/files/Notice-Written%20Communication.pdf>

The amendment also re-orders certain portions of the rule for purposes of clarity and consistency within the rule.