

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**



**CM/ECF ATTORNEY MANUAL
MAY 2020**

TABLE OF CONTENTS

WHAT'S NEW IN THIS VERSION OF THE USER GUIDE?	III
I. GETTING STARTED.....	1
II. POLICIES AND PROCEDURES (LOCAL RULE 25)	4
III. HOW TO USE THE SYSTEM – STEP BY STEP	17
IV. REPORTS.....	26
V. QUALITY CONTROL AND ERROR CORRECTION	31
VI. QUESTIONS.....	32

What's New in this Version of the User Guide?

Section	Description of Change
Throughout	Updated to reflect changes related to Next Gen CM/ECF including removing references to Java
Getting Started	Update to Pacer quarterly fee
Throughout	December 1, 2019, FRAP rule changes

I. Getting Started

A. Definitions

1. Electronic Filing: The process of uploading a document from the filer's computer, using the court's Internet-based Case Management/Electronic Case Filing System (CM/ECF) to file the document in the court's case file. The CM/ECF System accepts documents only in Portable Document Format (PDF).
2. Filing User: An individual who has a login and password to file documents electronically using the court's CM/ECF System. Because an individual can use the same login and password to file in any federal appellate court in which the individual has registered, the terms Appellate Filer and Appellate ECF Filer are also used.
3. Notice of Docket Activity (NDA): A notice generated automatically by the CM/ECF System at the time a document is filed electronically. The notice sets forth the date and time of filing, the party filing the document, the text of the docket entry created by the filing, a hyperlink to the PDF document filed, and the names of the participants served by email and U.S. mail. Each email recipient of a NDA receives one free look at the attached documents. The free look expires 15 days from the date the Notice of Docket Activity is issued. It is a good practice to save or print the Notice of Docket Activity as proof of the filing.
4. PACER: "Public Access to Court Electronic Records" is an automated system that allows subscribers to view, print, and download court docket information and documents over the Internet. The PACER system allows case participants "one free look" at documents served electronically. The NDA for each filing will contain a hyperlink to the document(s) filed. The document should be saved or printed when it is first opened from the NDA. Subsequent electronic access to the document or electronic access to the docket through PACER will be billed by the PACER Service Center. No billing is done by the PACER Service Center until a user's charges exceed \$30 in a quarter.
5. PDF: "Portable Document Format" means that the document's format is device-independent, resolution-independent, and fixed-layout. The document can be viewed as created, regardless of the software that created it because PDF files do not encode information that is specific to the application software used to create the document.

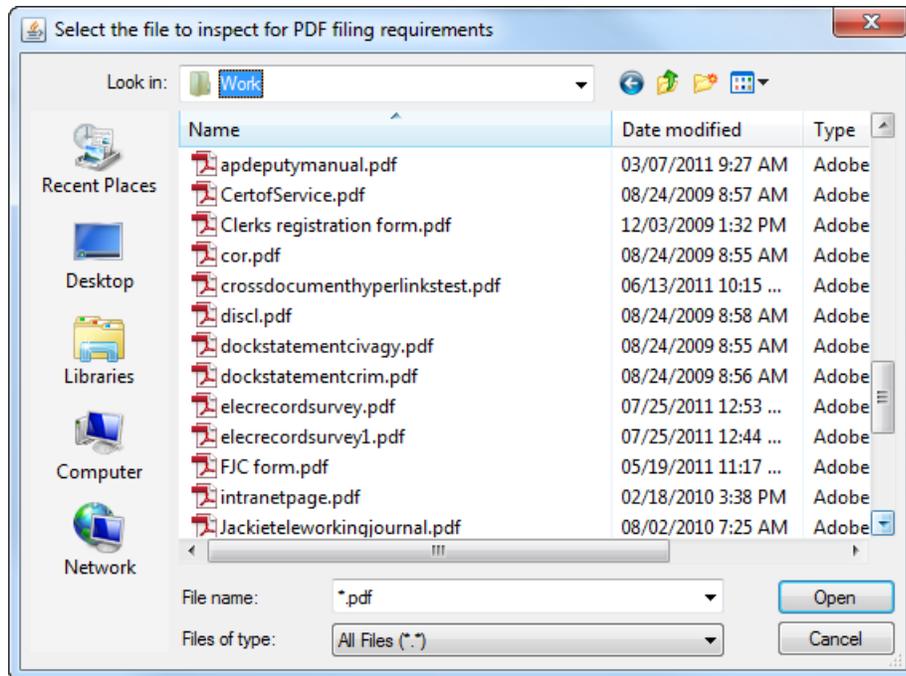
WordPerfect versions 9, 10, 11, and 12 include the capability to convert text documents to PDF by clicking "File" on the toolbar and then "Publish to PDF". Microsoft Word 2007 and later has built in PDF conversion software. You may also use Adobe Acrobat Pro or download free PDF conversion software from any source of your choosing. Refer to the "Help" option in your conversion software for instructions on converting documents to PDF.

Appellate CM/ECF includes a utility that allows users to check PDF documents for compliance prior to filing.

1. To access the utility, login to CM/ECF, select **Utilities**, **Check PDF Document**.



2. The **Check PDF Document** box will appear.
3. Select **Browse**.
4. Select the file to be checked.
5. Select **Open**.



6. A message will appear indicating if the file format is acceptable or not.

NOTE: The Check PDF Document utility does not check for file size, which must be less than 50MB or text searchability of briefs.

There are two types of PDF files. Whenever possible, text PDF files must be used.

- a. Text PDF: Electronically converted PDF documents are created from word processing documents (MS Word, WordPerfect, etc.) using Adobe Acrobat or

similar software. Text PDF documents are text searchable and their file size is small. Text PDF documents up to 50 megabytes can be uploaded as one file; documents of larger size should be split into separate files with appropriate identification. Up to 250 megabytes can be uploaded per docket entry.

- b. Scanned Image PDF: Scanned image PDF documents are created by putting paper documents through an optical scanner. Scanned image PDF documents are not text searchable and have a large file size. If a scanned image PDF must be created because the electronic document is unavailable, the paper document should be scanned at 300dpi with the “black and white” setting. Scanned image PDFs up to 50 megabytes can be uploaded as one file; documents of larger sizes should be split into separate files with appropriate identification. Up to 250 megabytes can be uploaded per docket entry.

B. Hardware and Software

The following hardware and software are needed for CM/ECF:

1. Computer: A personal computer running Windows or MacOS with compatible internet browser. i.e. Safari, Microsoft Edge, Google Chrome, Mozilla Firefox or Internet Explorer
2. Word Processing Software: Word Perfect, Microsoft Word or any other word processing software that will allow you to convert text documents to PDF.
3. Internet Service Provider and Web Browser: CM/ECF has been certified to work with Safari, Microsoft Edge, Google Chrome, Mozilla Firefox or Internet Explorer.
4. Email Account: You may register more than one email address for receipt of Notices of Docket Activity. The address(es) must be regularly monitored, as your only notification of case activity will be via email. Notices of Docket Activity will be sent from the court’s ECF System. Counsel must ensure that the spam filter operation on the network and computer receiving the email are set to allow notices from ecfnoticing@ca4.uscourts.gov. The size of your email account must be sufficient to receive Notices of Docket Activity from the ECF System. ECF-related email may exceed the size allocated for free email accounts.
5. PDF Conversion Software: WordPerfect versions 9, 10, 11, and 12 include the capability to convert text documents to PDF by clicking “File” on the toolbar and then “Publish to PDF.” Microsoft Word 2007 and later has built in PDF conversion software. You may also use Adobe Acrobat Pro or download free PDF conversion software from any source of your choosing. Refer to the “Help” option in your conversion software for instructions on converting documents to PDF.
6. Scanner: Use a scanner ONLY if you do not have access to an electronic version of the document that would enable you to prepare a text PDF. Paper documents should be scanned into PDF image format at 300dpi with a “black and white” setting.

II. Policies and Procedures ([Local Rule 25](#))

A. Scope of Electronic Filing – Local Rule 25 (a)(1)

1. Effective Date: Electronic filing for attorneys began on April 1, 2008 and became mandatory on June 1, 2008.
2. Service of Electronic Documents: Conventional service is required only on those case participants who were not served electronically through CM/ECF as identified on the Notice of Docket Activity. Any case initiating documents for petitions for review and petitions for permission to appeal submitted electronically must be served conventionally.
3. Persons Covered: All attorneys filing documents in the Fourth Circuit must file electronically using CM/ECF (regardless of when the case was initially opened) unless counsel applies for and the court grants an exemption for good cause shown in a particular case. For pro se filers, a pro se litigant must obtain a PACER account and request filing privileges with the Fourth Circuit. Information for registration of a PACER account through the PACER Service Center can be found at <https://pacer.psc.uscourts.gov/pscwf/regWizard.jsf>.
4. Specific Documents: **All** documents filed by counsel of must be filed electronically in PDF format (textPDF, if available) **except** that:
 1. Formal briefs and appendix are filed in electronic AND paper form.
 2. Case initiating documents such as petitions for review and petitions for permission to appeal may be submitted electronically or in paper form. Counsel must serve respondent(s) case initiating documents in hard copy. For more information on submitting case-initiating documents electronically, see [eFiling \(CM/ECF\)](#).
 3. CJA payment vouchers are filed electronically using [CJA eVoucher](#).
 4. Assigned counsel vouchers are filed in paper form.
 5. Motions to withdraw in criminal cases when counsel is not a Fourth Circuit ECF filer and/or a member of the court's bar. Please contact the Fourth Circuit ECF help desk at 804-916-2767 for filing instructions.

Type of Document	How to File
Application for Admission to the Bar	Submit electronically or by mail.
Case initiating documents-- petitions for permission to appeal, petitions for review, applications for enforcement, petitions for mandamus or prohibition, motions to authorize successive habeas petitions	Submit electronically or file original in paper form in court of appeals; provide electronic text version in PDF form upon request. Counsel must serve respondent(s) case initiating documents in hard copy.
Notice of appeal	File electronically in district court.

Forms required within 14 days of case opening-- appearance of counsel, disclosure statement, docketing statement, transcript order form	File electronically in court of appeals.
Motions, responses, replies	<p>File electronically in court of appeals. Exhibits should be filed as part of the MOTION or RESPONSE/ANSWER (to motion or request) event. Exhibits that were filed in district court as PDF text documents should be downloaded from the district court docket and included as PDF text exhibits with the motion or response. Exhibits must be clearly identified by letter or number.</p> <p>EXCEPT <u>motions to withdraw in criminal cases</u> when counsel is not a Fourth Circuit ECF filer and/or a member of the court's bar. Please contact the Fourth Circuit ECF help desk at 804-916-2767 for filing instructions.</p>
Formal briefs	<p>File electronically in court of appeals using BRIEF (all formal, non-sealed briefs/electronic & paper form) event; only 1 paper copy of the brief is required (3 additional copies are required if the case is tentatively calendared for argument). Paper copies should be mailed or delivered the same day the electronic brief is filed; however, paper copies of a briefing document will be accepted without a motion if filed no more than one day late. Service of courtesy paper copies is not required, although counsel may agree to such service.</p>
Sealed version of formal briefs	<p>File electronically in court of appeals using SEALED BRIEF (court access) (electronic & paper form) event. Paper copies of the sealed brief are filed with the court and served on all parties entitled to access the sealed brief. Counsel must also file a certificate of confidentiality for the sealed version of the brief. The redacted version of the brief is filed using the BRIEF (all formal, non-sealed briefs/electronic & paper form) event. Paper copies of the redacted brief are filed with the court but not served on the parties.</p>

Appendix

[See Federal & Local Rules 31 & 32 & Local Rule 25\(a\)\(1\)\(D\) for complete information](#)

Electronic Appendix - Appendices must be filed in electronic and paper form. Appellant files the full appendix in electronic form, separately filing any sealed documents as a sealed appendix.

One paper copy is filed in the court of appeals. Three additional copies are required if the case is tentatively calendared for argument. Serve any non-ECF users with a full paper appendix.

Sealed Appendix Volumes	<p>Sealed record documents that are included in the appendix must be placed in a separate, sealed volume of the appendix. In consolidated criminal appeals, these materials must be separately sealed as to each defendant by marking the volume and envelope as SEALED – [DEFENDANT’S NAME] and serving the volume only on the government and counsel for the named defendant. Four paper copies and an electronic copy of sealed volumes of appendix are filed, together with a certificate of confidentiality. Service of paper copies of sealed appendix volumes is required since parties cannot access the electronic version.</p> <p>Indicate whether any sealed volumes are included and file one copy in paper form of any sealed volumes. Three additional copies are required if the case is tentatively calendared for argument.</p>
Certificate of confidentiality or motion to seal	File electronically in court of appeals; also file 1 paper copy with sealed version of brief or sealed volume of appendix.
Informal briefs	File electronically in court of appeals and serve pro se litigants with paper copy. Most pro se litigants are not registered as filing users and therefore must be served conventionally.
Notices regarding availability for argument	File electronically in court of appeals.
Acknowledgments of oral argument notification	File electronically in court of appeals.
Supplemental authorities, status reports, memoranda, correspondence	File electronically in court of appeals.
Petitions for rehearing and rehearing en banc	File electronically in court of appeals.
Bills of cost and objections to bills of cost	File electronically in court of appeals.
Criminal Justice Act	<p>CJA payment vouchers are filed electronically using CJA eVoucher,</p> <p>.</p>
Assigned Counsel Vouchers	Send to court of appeals in paper form.

B. Eligibility, Registration, Passwords – Local Rule 25 (a)(2)

1. **Attorneys:** Attorneys who intend to practice in the court should register as Filing User of the court's CM/ECF System. Counsel who are not yet members of the Fourth Circuit bar have limited access to CM/ECF. Non-bar member accounts do not have access to filing in cases but users can submit their [Application for Admission to Practice electronically](#). Fourth Circuit bar members will have access to filing in ECF upon activation of their account. Follow the steps below to register as an ECF filer and if necessary, apply for membership to the court's bar.
 - Users who have never had a CM/ECF account in this court should go to [PACER Account Registration](#). The Registration Wizard is designed to help you select the best registration option for your needs.
 - In the NextGen system, all users are required to have their own PACER account. Organizations that wish to consolidate billing and receive one invoice for charges associated with multiple PACER accounts can register for a PACER Administrative Account ("PAA"). All questions regarding PAA accounts should be directed to the PACER Service Center at (800) 676-6856.
 - [Register for a PAA Account](#)
 - [PAA Policies and Procedures](#)
 - [PAA Electronic Learning Module](#)
 - [PAA FAQs](#) (select the PAA tab)
 - **Court Approval Process:** Once the court receives your registration, your account will be activated within 24 hours. You will receive an automated email from the PACER Service Center indicating that your filing account is active. If you are a member in good standing of the Fourth Circuit Bar, you will be able to file documents via CM/ECF immediately. If you are not yet a member of the Fourth Circuit Bar, you must submit your [Application for Admission to Practice](#) before you will be able to file electronically. Once your Filing account is active, you may submit your [Application for Admission to Practice](#) via CM/ECF. Please review the Court's web page for [instructions](#) on submitting your application electronically. Once your application has been processed, you will receive an email indicating that you are a member of the bar and electronic filing will be enabled for your filing account.
2. **Pro Se Litigants:** Pro se litigants may file electronically by obtaining a PACER account and requesting filing privileges with the Fourth Circuit. Information for registration of a PACER account through the PACER Service Center can be found at <https://pacer.psc.uscourts.gov/pscwf/regWizard.jsf>.
3. **Registration Constitutes Consent to Electronic Service:** Completion of the Appellate Filer registration constitutes consent to electronic service of documents through CM/ECF.
4. **Passwords:** Your appellate ECF Filer login and password constitute your official signature on all documents filed using that login and password.

- a. Security: Filing Users agree to protect the security of their passwords. Contact the PACER Service Center and the clerk immediately if you learn that your password has been compromised.
- b. Changing your Password: Login to the [PACER Manage My Account](#) site to change your password.
- c. Forgotten Password: If you forget your password, you can retrieve it electronically through the [Pacer Service Center Forgotten Password Request](#) website. You will need user name, security question answer and the email address associated with your account. The court cannot provide your password or re-set your password. Please contact the PACER Service Center at 800-676-6856 for password assistance.
- d. Delegation of Authority to Use Login and Password: You may allow a secretary, paralegal, or other authorized person to use your login and password to file documents on your behalf. Remember that your login and password constitute your signature regardless of whether you personally use them or you delegate that authority to someone else.
- e. Additional Email Recipients: A secondary account can be added at the time of registration for a login and password. If the account has already been created, you can update your account after logging into Fourth Circuit CM/ECF, by selecting *Utilities, Update My Account*. Then select the PACER Service Center link. At the login prompt, enter your login and password and click *Login*. On the Account Update page, select *Maintenance, Update E-filer Email Noticing and Frequency*. To add an additional email address, enter the email address in the *Additional Emails* box. If you would like more than one additional email address to receive notification in your cases, list all addresses in the *Additional Emails* box separated by a comma. Click *Submit* once all additional emails have been added.

C. Consequences of Electronic Filing – Local Rule 25 (a)(3)

- 1. Filing Complete at Date and Time Stated on Notice of Docket Activity: Electronic transmission of a document to CM/ECF, together with the transmission of the Notice of Docket Activity from the court, constitutes filing of the document. Filing must be completed before midnight Eastern Time, as shown on the Notice of Docket Activity, to be considered timely filed that day.
- 2. Electronic Document is Official Record: When a document has been filed electronically, the official record is the electronic document stored by the court. Counsel must take care to verify the accuracy of the electronic document before committing the transaction to the docket.
- 3. Documents Accompanied by Motions to File or to Extend Filing Time: When leave of court or an extension of time is required to file a document out of time, counsel files the motion using the appropriate motion event and the document using the appropriate document event. If the motion is granted, the document is deemed filed. If the motion is denied, the court will strike the underlying document. See examples below:

- a. Use **Motion / extend filing time [opening brief]** to file the motion.
 Use **BRIEF (all formal, non-sealed briefs/electronic & paper form)** to file the brief.
 If the court denies the motion, it will strike the brief. If the court grants the motion, the brief will remain on the docket.
- b. Use **Motion / file supplemental appendix** to file the motion.
 Use **SUPPLEMENTAL APPENDIX (electronic & paper form)**. File one copy (four if case is tentatively calendared or calendared for oral argument) in paper form in court of appeals.
 If the court denies the motion, it will strike the appendix. If the court grants the motion, the appendix will remain on the docket.

D. Service of Documents by Electronic Means – Local Rule 25 (a)(4)

1. Service of Electronic Documents: Conventional service is required only on case participants who were not served electronically through CM/ECF, as identified on the Notice of Docket Activity except for case initiating documents which must be served conventionally.
2. Preparing Certificate of Service: A certificate of service is required only if any service was made outside CM/ECF, such as for sealed or case-initiating documents or on persons who are not registered CM/ECF users. To ascertain how service should be accomplished on each party in order to prepare the certificate of service, use “Attorney Service Preference” report within CM/ECF. See section [IV\(C\) – Attorney Service Preference Report](#) for more information on the report. A PDF writable certificate of service form is available at:
<https://www.ca4.uscourts.gov/docs/pdfs/certofservice.pdf>.
3. Notice of Docket Activity Constitutes Service on Filing Users: The Notice of Docket Activity generated by the court’s CM/ECF System constitutes service of the filed document on participants served electronically through CM/ECF. The Notice of Docket Activity will state who has been served electronically through CM/ECF.
4. Conventional Service Required for Those Not Registered as Filing Users: Participants not served through CM/ECF must be served conventionally. To ascertain how service should be accomplished on each party in order to prepare the certificate of service, use “Attorney Service Preference” report within CM/ECF. See section [IV\(C\) – Attorney Service Preference Report](#) for more information on the report.
5. Conventional Service Required for Sealed Documents: The events used to file sealed documents – **SEALED BRIEF (court access only) (electronic & paper form)**, **SEALED JOINT APPENDIX (court access only) (electronic & paper form)**, **SEALED SUPPLEMENTAL APPENDIX (court access only) (electronic & paper form)**, and **SEALED DOCUMENT (court access only) –**

restrict electronic document access to court users only. Therefore, conventional service must be used for all sealed briefs and other sealed documents.

6. Conventional Service Required Case Initiating Documents: File original in paper form in court of appeals or [submit electronically](#). All case initiating documents must be served conventionally.
7. Three Days Added to Prescribed Period if Service was by Means Other than Electronic or Hand Delivery: Under FRAP 26(c), when a party is required or permitted to act with a prescribed period after a paper is served on the party, 3 calendar days are added unless the paper is delivered on the date of service. As of December 1, 2016, paper that is served electronically is treated as delivered on the date of service and no additional time is added to the prescribed period.

E. Entry of Court-Issued Documents-- Local Rule 25 (a)(5)

Court orders, opinions, judgments, and other documents are filed electronically. Documents filed electronically without an original signature have the same effect as if the judge or clerk signed a paper copy.

F. Attachments and Exhibits to Motions and Original Proceedings-- Local Rule 25 (a)(6)

1. Electronic Filing Required: All attachments and exhibits to motions, responses, and original proceedings must be filed in electronic form unless otherwise ordered by the court.
2. Text PDF Required: Documents must be filed in electronic text PDF. Text PDF files are text searchable and smaller in file size. If the text PDF version of a document is unavailable (e.g. the document was not created by counsel and was not filed as a text PDF in the lower court), the document may be filed as a scanned PDF. All formal briefs must be text searchable.
3. File Size: Documents filed with the court electronically are limited to 50 megabytes per uploaded file. More than one file may be uploaded to a particular entry. Please see [section III \(J\) - Filing of a Multi-Part Document](#) of this user guide for instructions on uploading multiple PDF files to one entry.
4. Separately Numbered or Lettered Exhibits: Any exhibits or attachments to a document must be clearly identified by letter or number. Each exhibit/attachment must be uploaded as a separate PDF file using the “Add Another” button within a docket entry. After uploading the exhibit/attachment files, use the text box provided to properly describe each file. Please see [section III \(J\) - Filing of a Multi-Part Document](#) of this user guide for instructions on uploading multiple PDF files to one entry.
5. Previously Filed Exhibits: If you wish to refer to exhibits previously filed with the court electronically, do not re-file them. In your document, cite the docket entry number, file name and page number of the exhibit or material being referred to. You may include a hyperlink to previously filed documents in addition to a citation.

In order for hyperlinks to work properly in a PDF file, you must “publish” a document to PDF rather than “print”.

In WordPerfect, first click *File* then, click *Publish to PDF*.

In Microsoft Word, you must use Adobe Acrobat Writer or other conversion software that allows you to “publish” to PDF rather than “print” to PDF. The method for “publishing” a document to PDF varies depending on which conversion software is used. Please refer to the **Help** portion of your conversion software for questions regarding including hyperlinks.

G. Sealed Documents-- Local Rule 25 (a)(7)

1. Sealed Material Must be Filed in Accordance with Local Rule 25(c): Local Rule 25(c) establishes different requirements for the filing of material under seal:
 - a. Certificate or Motion: If the material was sealed in the lower court or is a personal data identifier required to be sealed by federal rule, the material may be sealed by filing a certificate of confidentiality. If the party is requesting that material be sealed for the first time on appeal, the party must file a motion to seal rather than a certificate of confidentiality.
 - b. Appendix Volumes and Brief Versions: If the sealed material is part of the appendix, it should be separated from the unsealed portions of the appendix and filed as a separate, sealed volume of the appendix using the **SEALED JOINT APPENDIX (court access only) (electronic & paper form)** entry. If the sealed material is referred to in a brief or other document, two versions of the brief or other document must be filed--a sealed version, with the sealed material highlighted, and a public version, with the sealed material redacted.
 - c. Electronic and Paper Briefs: Since counsel must file electronic and paper versions of formal briefs, if a formal brief refers to sealed material, counsel must file an electronic **and** paper version of the sealed brief **and** an electronic **and** paper version of the public brief.
 - d. Electronic Documents: Since other documents are filed in electronic form only, if a document contains sealed material counsel must file a sealed version and a public version in electronic form only.
 - e. Conventional Service: Since electronic access to sealed documents is limited to the court, sealed documents must be served conventionally on participants in the case.
2. Formal Briefs--Sealed Version & Public Version in Paper & Electronic Form:
 - a. Sealed Version: Mark the cover of the sealed version of the brief **SEALED**, highlight all sealed material in the brief, and file the sealed version using the entry **SEALED BRIEF (court access) (electronic & paper form)**. Also, use **Certificate of confidentiality** to file a certificate of confidentiality if all material was sealed in district court or consists of personal data identifiers. Use **Motion / seal** if requesting the sealing of new material on appeal. In addition to the electronic copies, one paper copy (three additional copies will be requested if the case is tentatively calendared) of the sealed version of the

brief and either the certificate of confidentiality or motion to seal must be filed in envelopes marked SEALED. The sealed version of the brief must be served on opposing counsel conventionally since the **SEALED BRIEF (court access only)(electronic & paper form)** entry automatically restricts electronic document access to court users.

- b. Public Version: Redact all sealed material from brief and file using entry **BRIEF (all formal, non-sealed briefs/electronic & paper form)**. Also, file one paper copy (three additional copies will be requested if the case is tentatively calendared) of public version of brief.
3. Appendices -- Sealed & Unsealed Volumes in Electronic and Paper Form (Local Rule 25(c)):
 - a. Sealed Volume: Sealed record material is segregated from unsealed record material and placed in a sealed volume of the appendix and filed electronically using the **SEALED JOINT APPENDIX (court access only) (electronic & paper form)** entry. A certificate of confidentiality is filed electronically stating that the material was sealed in the lower court. The sealed volume of the appendix must be clearly marked SEALED on the cover. One paper copy (three additional copies will be requested if the case is tentatively calendared) of the sealed volume are filed with one copy of the certificate of confidentiality in envelopes marked SEALED.
 - b. Unsealed Volumes: All material not sealed below is included in the unsealed volumes of appendix and filed using the **JOINT APPENDIX (electronic & paper form)** entry. One paper copy (three additional copies will be requested if the case is tentatively calendared) of the unsealed volumes of the joint appendix are filed.
 4. Other Documents--Sealed Version & Public Version in Electronic Form
 - a. Sealed Version: Mark the first page of the document SEALED, highlight all sealed material in the document, and file using the entry **SEALED DOCUMENT (court access only)**. Also, use **Certificate of confidentiality** to file certificate of confidentiality if all material was sealed in district court or consists of personal data identifiers. Use **Motion / seal** if requesting the sealing of new material on appeal. The sealed version of the document must be served on opposing counsel conventionally since the **SEALED DOCUMENT (court access only)** entry automatically restricts electronic document access to court users.
 - b. Public Version: Redact all sealed material from the document and file using the appropriate event for that document.

For further information on redacting information from filings, please see [How do I redact items from pleadings?](#)

H. Retention Requirements-- Local Rule 25 (a)(8)

Electronically filed documents that require an original signature other than that of the Filing User must be maintained in paper form by the Filing User for a period of 3 years after issuance of the court's mandate.

I. Signatures-- Local Rule 25 (a)(9)

1. Filing User's Login and Password Constitute Signature: The Filing User's login and password serve as a signature for all purposes for which a signature is required in connection with proceedings before the court. The Filing User may not permit use of the password by anyone other than an authorized agent.
2. Documents Requiring Multiple Signatures: Documents requiring signature by more than one party may be filed by (i) submitting a scanned document with all necessary signatures; (ii) representing the consent of the other parties on the document; (iii) identifying the parties whose signatures are required and submitting a notice of endorsement within 3 business days; or (iv) any other manner approved by the court.

J. Notice of Court Orders and Judgments-- Local Rule 25 (a)(10)

Immediately upon entry of an order, judgment, or opinion, the clerk will electronically transmit a Notice of Docket Activity to Filing Users, which will constitute the notice and service required by FRAP 36(b) and 45(c).

K. Technical Failures-- Local Rule 25 (a)(11)

A party or attorney adversely affected by a technical failure in connection with filing or receipt of an electronic document may seek relief by appropriate motion. For example: **Motion / extend filing time**.

If technical difficulties arise (on our end or yours), documents may be emailed to the clerk's office at: 4cca-filing@ca4.uscourts.gov. When sending documents to the court's email account, opposing counsel must be copied, and the case number and title should be included in the subject line of the message. In the body of the email, please explain the difficulty encountered.

L. Public Access-- Local Rule 25 (a)(12)

1. Information Publicly Available on Internet: Parties should exercise caution with regard to any sensitive personal data in filings, and counsel should notify their clients that filings will be made available over the internet, so that an informed decision can be made about what information to include. The clerk will not review filings for redaction or sealing.
2. Redaction Requirement: Parties must redact the following personal data identifiers as required by FRAP 25(a)(5).
 - a. Social security numbers: If an individual's Social Security number must be included, only the last four digits of that number should be used.
 - b. Names of minor children: If the involvement of a minor child must be mentioned, only the initials of that child should be used.

- c. Dates of birth: If an individual's date of birth must be included, only the year should be used.
- d. Financial account numbers: If financial account numbers are relevant, only the last four digits of these numbers should be used.
- e. Home addresses: In criminal cases, if a home address must be included, only the city and state should be listed.

For further information on redacting information from filings, please see [How do I redact items from pleadings?](#)

- 3. Exemptions from Redaction Requirement: The federal rules exempt the following documents from the redaction requirement: the account number or address of property subject to a forfeiture action; state court records; agency records; court records that were not subject to redaction requirements when created; filings in social security and immigration cases; pro se filings in 28 U.S.C. § 2241, 2254, or 2255 cases; and documents preceding the charging document, the charging document, the arrest warrant, and the search warrant in a criminal case.
- 4. Immigration and Social Security Cases: In accordance with FRAP 25(a)(5) and Rule 5.2(c) of the Federal Rules of Civil Procedure, remote public access to electronic documents in immigration and social security cases is limited to the court's orders and opinions. Remote electronic access to other documents in immigration and social security cases is available only to parties and attorneys in the case who have registered through CM/ECF. To access documents in these cases, participants must use their CM/ECF login and password.

M. Hyperlinks-- Local Rule 25 (a)(13)

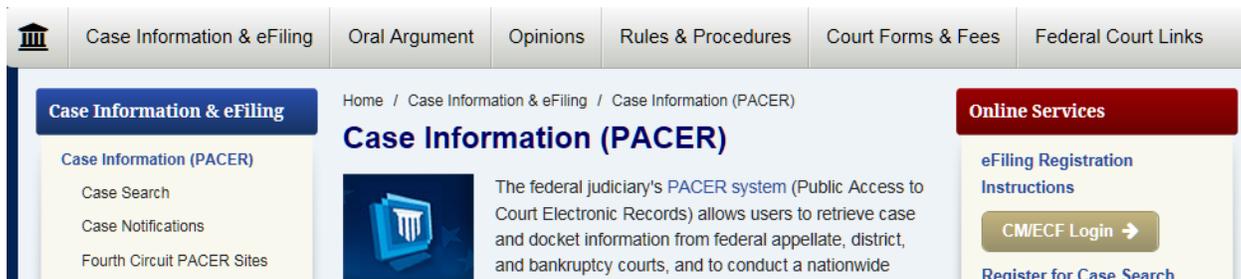
- 1. Permissible Hyperlinks: Electronically filed documents may contain the following types of hyperlinks:
 - a. Hyperlinks to other portions of the same document or to other documents filed on appeal;
 - b. Hyperlinks to documents filed in the lower court that are part of the record on appeal; and
 - c. Hyperlinks to statutes, rules, regulations, and opinions.
- 2. Standard Citations Required: Hyperlinks do not replace citations to the appendix, record, or legal authority. Documents must contain standard citations in support of statements of fact or points of law, in addition to any hyperlink. Hyperlinks are simply mechanisms for accessing material cited in a filed document and are not considered part of the appellate record.
- 3. Creating a PDF with Hyperlinks: In order for hyperlinks to work properly in a PDF file, you must "publish" a document to PDF rather than "print". WordPerfect versions 9, 10, 11, and 12 include the capability to convert text documents to PDF by clicking "File" on the toolbar and then "Publish to PDF". Microsoft Word 2007 and later has built in PDF conversion software. You may also use Adobe Acrobat Pro or download free PDF conversion software from any source of your

choosing. Refer to the “Help” option in your conversion software for instructions on converting documents to PDF.

III. How to Use the System – Step by Step

A. Accessing the CM/ECF System

1. Use any internet browser to <https://www.ca4.uscourts.gov/> and select the **CM/ECF Login** button under the Online Services heading on the right side of the screen. Then select **CM/ECF Document Filing System** to file documents.



B. Login to CM/ECF:

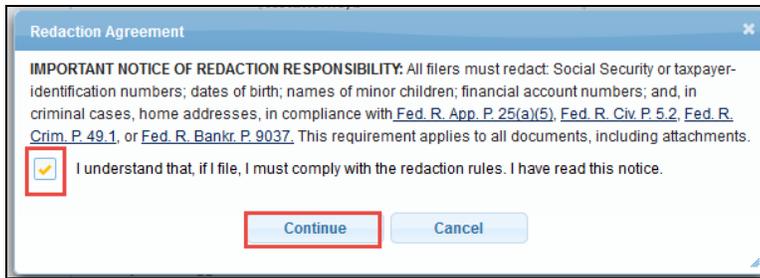
Note: Your login and password are case sensitive.

After clicking *CM/ECF Login*, the CM/ECF login screen will appear.

1. Enter your **PACER** login.
2. Enter your **PACER** password.
3. **Client Code** is optional.
4. Click **Login**.

The image shows a screenshot of the PACER LOGIN screen. At the top, it says 'PACER LOGIN' in red. Below that is a warning message: 'Your browser must be set to accept cookies in order to log in to this site. If your browser is set to accept cookies and you are experiencing problems with the login, delete the stored cookie file in your PC. Close and reopen your browser before trying again.' The main form is titled 'Login' and has three input fields: 'Username *' with the text 'testattorney', 'Password *' with a masked password of 12 dots, and 'Client Code'. Below the fields are three buttons: 'Login', 'Clear', and 'Cancel'. At the bottom of the form are three links: 'Need an Account?', 'Forgot Your Password?', and 'Forgot User Name?'. At the very bottom is a notice: 'NOTICE: This is a restricted government web site for official PACER use only. Unauthorized entry is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged.'

5. The **Redaction Agreement** window will appear. Review the information and check the “I understand . . .” box.
6. Select **Continue**.



C. Preparing a Certificate of Service

A Certificate of Service is required only if any service was made outside CM/ECF, such as for sealed or case-initiating documents or on persons who are not registered CM/ECF users. To determine if a certificate is required, follow the steps below to access the *Attorney Service Preference Report* in CM/ECF to easily identify case participants service preference.

1. After logging into CM/ECF, click on **Reports**.
2. Click on **Attorney Service Preference Report**.



3. Enter the case number.
4. Click **Show Service List**.

Service List for a Case

Case Number: (yy-nnnn or yy-nnnnn)

Include Associated Cases

[Show Service List](#)

5. The report will launch in a new window and display the participant name, address and service preference.

[Return to Service List Page](#)

Service List for Case: 17- Snake v. Black Wolf

Current Associated Cases: none

Contact Info	Case Number/s	Service Preference	ECF Filing Status
John Smith LAW FIRM 100 Law Street Richmond, VA 23219 Email: lawyersrus@law.com	17-	Email	Active
Snake BOGUS ADDRESS 1100 East Street Name Richmond, VA 23219	17-	US Mail	

6. Using the service information provided by the report, complete the certificate of service in accordance with the examples below:

a. Certificate of Service When All Case Participants Are CM/ECF Participants and No Conventional Service is Required:

No certificate of service necessary.

b. Certificate of Service When Conventional Service is Required (e.g., Sealed Documents, Appendices):

I hereby certify that on [date], I electronically filed the foregoing document for which conventional service is required with the Clerk of court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

I further certify that on [date] I have mailed the foregoing document by First-Class Mail, postage prepaid, to all case participants, at the following addresses:

c. Certificate of Service When Not All Case Participants Are CM/ECF Participants:

I hereby certify that on [date], I electronically filed the foregoing with the Clerk of court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

I further certify that on [date] I have mailed the foregoing document by First-Class Mail, postage prepaid, to the following non-CM/ECF participants, addressed as follows:

D. Convert a Document to PDF

Documentation on converting Word or Word Perfect Documents to PDF is available at [Converting Documents to PDF](#).

WordPerfect versions 9, 10, 11, and 12 include the capability to convert text documents to PDF by clicking “File” on the toolbar and then “Publish to PDF”.

Microsoft Word 2007 and later has built in PDF conversion software. You may also use Adobe Acrobat Writer or download free PDF conversion software from any source of your choosing. Documentation on converting Word or Word Perfect Documents to PDF is available at [Converting Documents to PDF](#). Once your document has been converted to PDF you can begin the filing process.

E. Open Docketing:

1. Click on **Filing** in the toolbar at the top of the CM/ECF screen.



F. Access Your Case

1. Enter the appellate case number.
2. Press the TAB key on your keyboard.
3. Check to ensure that the correct case number and short title appear at the top of the screen. If the case number you entered is consolidated or a cross appeal, all associated cases will appear below the **Type of Document** selection box. Your filing will be applied to all cases checked

The screenshot shows a 'File a Document' form. The 'Case Number' field contains '17-2436' and the case title 'Snake v. Black Wolf' is displayed to its right. Both the input field and the title are highlighted with a red border.

G. Select Event Group and Event

NOTE: A complete list of event groups and associated events is available at:

http://www.ca4.uscourts.gov/caseinformationefiling/efiling_cm-ecf/filingevents

1. In the **Type of Document** text box, begin typing a key word for your filing. In this example: **mot**. The document selection list will begin to narrow to find items with your keyword. You can also select the Category to the right to narrow the available options.
1. Select the event you want to file from the list. In this example: **Motion**.
2. Click **Continue**. Note: The continue button will not be active until you select a document type above.

The screenshot shows the 'File a Document' form with the 'Type of Document' dropdown menu open. The text 'mot' is entered in the dropdown box. Below the dropdown, a list of document types is shown, with 'MOTION' highlighted in a yellow box. The 'Continue' button is visible at the bottom left.

Type of Document	Category
Amended petition/motion	All Attorney Events, Motions, Responses & Replies
MOTION	All Attorney Events, Motions, Responses & Replies
RESPONSE/ANSWER (to motion or request)	All Attorney Events, Motions, Responses & Replies
Response/with combined motion	All Attorney Events, Motions, Responses & Replies

H. Filing a Motion

1. Select a **Modifier**, if appropriate.
2. Select the party(ies) filing the document. The party will drop down to the **Selected** box. If you select an incorrect party, use the Red X to remove the party from the selected box.
3. If the filer is not listed, type the name of the party in the text box provided.

The screenshot shows the 'File a Document | MOTION' interface. At the top, there are navigation links: Filing, Reports, Utilities, Help, Getting Started, and Log Out. The main heading is 'File a Document | MOTION' with a sub-heading 'File to case: 17-2436'. Below this is a dropdown menu for 'Add Modifier as appropriate:'. The 'Party Filer' section contains a table with columns for Filer, Type, and Case. The table lists 'Black Wolf' (Appellee-Defendant) and 'Snake' (Appellant-Plaintiff) for case 17-2436 Snake v. Black Wolf. Below the table is a 'Selected' section with a table showing 'Snake' as the Appellant-Plaintiff. At the bottom, there is a text box for 'Enter name and role of filer if not on list of party filers above:' with a '255 characters remaining' indicator.

4. Click **Browse** to upload the document being filed.
5. When the **Select PDF Document** box opens, from the **Look In** drop down menu, select the folder in which the PDF version of the document being filed is saved.
6. Select the file you want to upload to CM/ECF.
7. Click **Open**. The path to your file will automatically appear in the **Document** box in CM/ECF.
8. To ensure that you uploaded the correct file, select **View** to preview the file.
9. Enter the date of service on opposing parties.
10. Select the type of service. Select **ECF** if any participants are served by ECF. Three days are added for service where service is by U.S. mail or Courier Service.

The screenshot shows the 'Upload Documents' section. It includes a 'Description' field with the text 'Additional Document' and a 'Browse...' button. Below this is a table with columns for Document, Description, Size, Sequence, and Remove All. The table lists 'TEst.pdf' with a description of 'MOTION' and a size of '23 KB'. Below the table is an 'Attention' section with a message: '440: You must enter a service date and type of service. Select ECF if any participants are served by ECF.' The 'Service' section includes a 'Service' field with the date '09/01/2017' and radio button options for 'Courier', 'ECF', 'Hand', and 'US mail', with 'ECF' selected.

H. Filing a Motion – Continued

11. In the **Relief** text box, begin typing a key word of the relief sought in the motion. In this example: **ext**. The relief list will begin to narrow to find items with your keyword. You can also select the Category to the right to narrow the available options.
12. Select the relief you want to file from the list. In this example: **Extend Filing Time**. You may add more than one relief per entry by selecting additional reliefs now.
13. Click **Continue**.
14. Using the dropdown menus and text fields, answer the questions appropriately
15. Click **Continue**.

▼ Extension to file what? Type in next text box if not in dropdown list.

opening brief

▼ If nothing selected from dropdown list type reason for ext. in text box below:

255 characters remaining.

▼ Until:

09/30/2017

245 characters remaining.

Continue Cancel

16. Review the **Docket Text**.
17. Click **Continue**.

▼ Docket Text

MOTION by Appellant Snake to extend filing time for opening brief until 09/30/2017. Date and method of service: 09/01/2017 ecf. [17-2436]

Continue Cancel

18. Review the **Final Review** box. Select **Edit** if you need to make any changes.
19. Click **Submit**.

WARNING: Once you click **Submit**, the entry is final. You cannot make any changes after finalizing the entry.

Final Review

File to Case
17-2436

Type of Document
MOTION

Add Modifier as appropriate:
No data was entered.

Party Filer
Snake (Appellant-Plaintiff) 17-2436

Enter name and role of filer if not on list of party filers above:
No data was entered.

Upload Documents
[TEst.pdf](#) (1 page)

Service
09/01/2017 ecf

Requested Relief
Extend filing time

Extension to file what? Type in next text box if not in dropdown list.
opening brief

If nothing selected from dropdown list type reason for ext. in text box below:
No data was entered.

Until:
09/30/2017

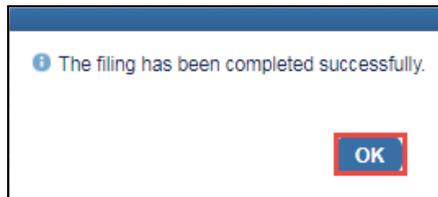
Docket Text
MOTION by Appellant Snake to extend filing time for opening brief until 09/30/2017. Date and method of service: 09/01/2017 ecf. [17-2436]

After you click the **Submit** button, you cannot change this filing.

 Have you redacted personal identifiers from the document you filed?

Submit [Edit](#) [Cancel](#)

20. Click **OK** to return to the **Filing** main page.



I. Notice of Docket Activity

1. The Notice of Docket Activity will launch after you complete your filing.
2. It is a good practice to save or print the Notice of Docket Activity as proof of filing.
3. If you do not receive a Notice of Docket Activity, your browser pop-up blockers are likely blocking the window from appearing. Check PACER to see if the filing is reflected on the docket. Follow up with ECF Help Desk at 804-916-2767 if there is a problem.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Fourth Circuit

Notice of Docket Activity

The following transaction was entered on 10/02/2017 at 2:37:53 PM EDT and filed on 10/02/2017

Case Name: Snake v. Black Wolf

Link to PACER docket sheet

Case Number: [17-2436](#)

Document(s): [Document\(s\)](#)

Link to documents filed in this entry.

Docket Text:

MOTION by Appellant Snake to place case in abeyance. Date and method of service: 10/01/2017 ecf. [999990326] [17-2436] Test Attorneyb

Notice will be electronically mailed to:

John Smith: lawyersrus@law.com
Test Attorneyb: sarah. @gmail.com

List of case participants served by CM/ECF.

Notice will not be electronically mailed to:

Snake
BOGUS ADDRESS
1100 East Street Name
Richmond, VA 23219

List of case participants that must be served conventionally.

The following document(s) are associated with this transaction:

Document Description: MOTION

Original Filename: TEst.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1105645354 [Date=10/02/2017] [FileNumber=999990326-0] [671e0a9bc453cfd3f90d7734650ea088384918d93ab400fea8189443fc0fbdb3698c88824e2042b656fd8a5e7860b8cd12e3a6c7aa241584702681f9797780]]

J. Filing a Multi-Part Document

When you need to attach exhibits or file a document that is too large to be uploaded as one PDF file, follow the steps below.

1. Upload the primary document by clicking **Browse**, adding the path to the appropriate file. The file name will appear in the *Document* box in CM/ECF. To ensure that you uploaded the correct file, select the file name link to preview the file.
2. Return to the *Document Description* box. Update the description as desired.
3. Upload an additional file by clicking **Browse** button that appears. Again, check to ensure that you are uploading the correct, complete file.
4. You can upload as many additional files as necessary by following steps 2 and 3. You can re-order the documents by utilizing the arrows in the *Sequence* column.
5. Continue with the docket entry.

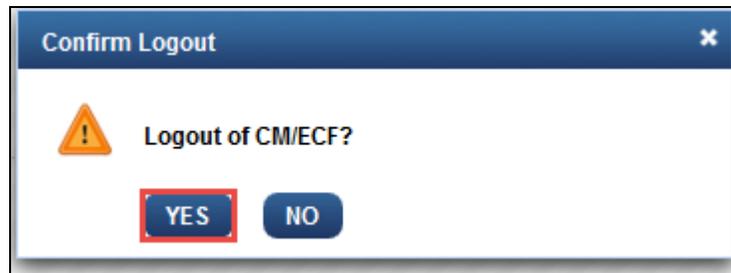


K. Logout

1. When you are finished filing, click **Logout**, from the top menu, to exit CM/ECF.



2. Select **Yes** to confirm that you want to logout.



IV. Reports

A. PACER Docket Report

If you want to view the PACER docket report:

1. Click on **Reports** after logging into CM/ECF.
2. Click on **PACER Case Search**. The PACER Report screen will launch in a separate window.



3. Type the case number of the docket sheet you wish to view.
4. If you want to search by name rather than case number, select party or attorney and enter the name.
5. Click **Search**.

The screenshot shows the 'Case Search' page. At the top is a blue navigation bar with links: Case Search, Calendar, Opinions, Orders/Judgments, Briefing Orders Last Week, Briefing Orders Last Four Weeks, Formal Briefs, Briefs, Logout, and Help. Below the navigation bar is the 'Case Search' section with the following fields and options:

- Case Number / Range: [] [] (yy-nnnn or yy-nnnnn)
- Party / Attorney: [] (Last, First)
- Party Attorney Exact Matches Only
- [Advanced Search](#)
- [Search] [Clear]

At the bottom of the page are links: Court Information, Court Home, PACER Service Center, Change Client, Billing History, and Contact Us.

6. Click on the appellate case number to view the appellate docket report.
7. Click on the originating case number to link to the district court docket.

The screenshot shows the 'Case Selection Page' with a table of case information. The table has four columns: Case Number Title, Opening Date, Last Docket Entry, and Originating Case Number Origin.

Case Number Title	Opening Date	Last Docket Entry	Originating Case Number Origin
11-1546 Stephen Kyprianides v. County of Bertie	05/24/2011	10/26/2011 07:57:47	0417-5 : 2:10-cv-00057-D United States District Court for the Eastern District of North Carolina at Raleigh

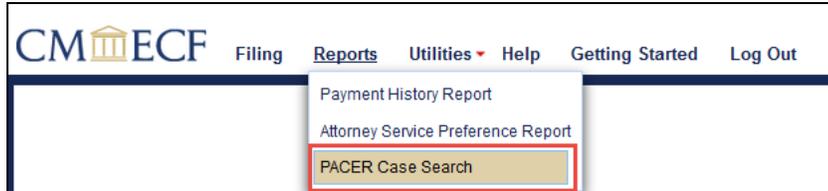
Note:

- * Click on Case No. to get Case Summary
- * Click on Short Title to get Case Query
- * Click on Originating Case No. to get Case Summary for Originating Case

B. PACER Advanced Search

Use the “Advanced Search” option within PACER reports, if you would like to conduct a search of the court’s docket to identify cases from a specific lower court, cases docketed within a certain time frame, or a particular type of case.

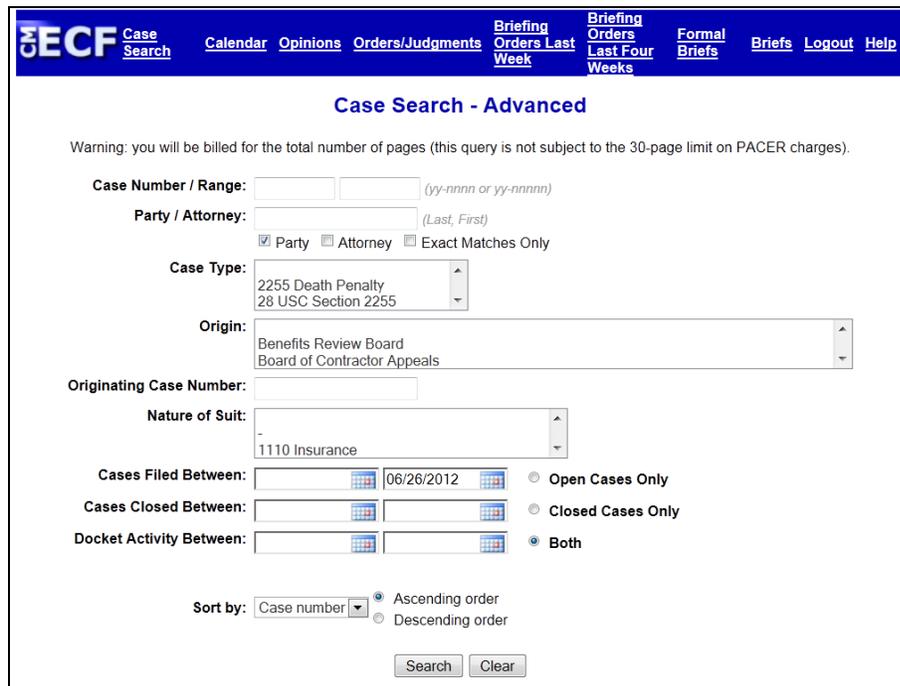
1. Click on **Reports** after logging into CM/ECF.
2. Click on **PACER Report**. The PACER Report window will launch in a separate window.



3. Click *Advanced Search*.



4. Select one or more search criteria.
5. Click **Search**.



- Click on the appellate case number to view the docket report for a specific case.
- Click **Logout** to exit PACER reports.

Case Selection Page			
Case No./Title/Type	Opening Date	Last Docket Entry	Originating Case No./Origin
00-4088 US v. Hernandez D. Mumford Criminal	02/07/2000	03/26/2003 16:05:00	CR-99-37 United States District Court for the Eastern District of North Carolina at Greenville
00-4111 US v. Brian Keith Purcell Criminal	02/09/2000	03/26/2003 16:11:00	CR-99-29-H United States District Court for the Eastern District of North Carolina at Greenville
00-4189 US v. Linwood Barnes Criminal	03/14/2000	08/29/2000 12:40:00	CR-99-45 United States District Court for the Eastern District of North Carolina at Greenville

C. Attorney Service Preference Report

A Certificate of Service is required only if any service was made outside CM/ECF, such as for sealed or case-initiating documents or on persons who are not registered CM/ECF users. To determine if a certificate is required, follow the steps below to access the **Attorney Service Preference Report** in CM/ECF to easily identify case participants service preference.

- After logging into CM/ECF, click on **Reports**.
- Click on **Attorney Service Preference Report**.



- Enter the case number.
- Click **Show Service List**.

Service List for a Case

Case Number: (yy-nnnn or yy-nnnnn)

Include Associated Cases

- The report will launch in a new window and display the participant name, address and service preference.

[Return to Service List Page](#)

Service List for Case: 17- Snake v. Black Wolf

Current Associated Cases: none

Contact Info	Case Number/s	Service Preference	ECF Filing Status
John Smith LAW FIRM 100 Law Street Richmond, VA 23219 Email: lawyersrus@law.com	17-	Email	Active
Snake BOGUS ADDRESS 1100 East Street Name Richmond, VA 23219	17-	US Mail	

6. Compose the certificate of service, if necessary, based on the service information provided.
7. Close the report window using the “X” in the upper right corner of the window.

V. Quality Control and Error Correction

A. Quality Control

Check for these common mistakes before committing a transaction.

- ✓ Are you filing in the correct case?
- ✓ Have you chosen the correct event?
- ✓ If you are filing a motion, have you chosen the correct relief?
- ✓ Is your PDF document in text format rather than scanned image format?
- ✓ Is your PDF document complete and legible?
- ✓ Have you uploaded the correct PDF file(s)?
- ✓ Is the correct case caption, including appellate case number, on your document?
- ✓ Is a complete certificate of service included (if necessary)?
- ✓ Have you redacted any personal identifiers, sensitive or sealed information?

B. Error Correction - Counsel

1. Correcting an Error BEFORE an Entry is Committed: You can correct a mistake any time before you commit a transaction to the docket.
 - a. Use the EDIT button at the bottom of the final confirmation screen to change selections on previous screens.
 - b. Use the CANCEL button to abort the entry and start over.
2. Correcting an Error AFTER an Entry is Committed: Contact the Clerk's Office immediately if you discover an error after you commit a filing. Only court employees can make changes and corrections once the Notice of Docket Activity has been transmitted.

C. Error Correction- Clerk's Office

1. Your case manager will review your docket entry and edit it if necessary.
2. Your case manager will review your filing and request that you correct the filing in the following situations:
 - a. The document contains sealed information but was not filed using the **SEALED BRIEF (court access only)(electronic & paper form), SEALED JOINT APPENDIX (court access only)(electronic & paper form), SEALED SUPPLEMENTAL APPENDIX or SEALED DOCUMENT (court access only)** event.
 - b. The document is incomplete or illegible.
 - c. The document was filed as a scanned image PDF rather than a text PDF.
 - d. The wrong document was attached.
 - e. The filing was made in the wrong case.

f. The document does not comply with the court's rules and procedures.

VI. Questions

Issue	Help Source (8:30am - 5:00pm)
PACER Registration	PACER Service Center <ul style="list-style-type: none">• 800-676-6856• http://www.pacer.gov/
CM/ECF Filer Registration	PACER Service Center <ul style="list-style-type: none">• 800-676-6856• http://www.pacer.gov/
Technical & Filing Questions (existing or new case)	Fourth Circuit ECF Help Desk <ul style="list-style-type: none">• 804-916-2767
Policy & Procedure Questions	Fourth Circuit Case Management <ul style="list-style-type: none">• 804-916-2700
Error Correction	Fourth Circuit Case Management <ul style="list-style-type: none">• 804-916-2700