

ADOPTED August 21, 2023

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT**  
**AMENDMENT OF INTERNAL OPERATING PROCEDURES 34.3 & 36.4**

PLEASE TAKE NOTICE that the Court intends to amend Internal Operating Procedures 34.3 and 36.4 to conform to changes in practice.

The proposed amendment to I.O.P. 34.3 reflects the Court's current practice of providing a live audio stream of oral arguments in addition to making argument audio files available on its Internet site.

The proposed amendment to I.O.P. 36.4 reflects the Court's current practice of archiving Internet sources cited in its opinions, when a reliable archival tool is available, and appending the archive citation to the full citation. This practice replaces the Court's former practice of saving the Internet source to the Court's docket as a PDF document.

The proposed amendments will take effect on August 21, 2023, subject to amendment in light of comments received. Interested parties may submit comments on or before August 11, 2023, to:

Patricia S. Connor, Clerk  
U.S. Court of Appeals for the Fourth Circuit  
1100 E. Main Street, Suite 501  
Richmond, Virginia 23219

Or via email to:  
[rulecomments@ca4.uscourts.gov](mailto:rulecomments@ca4.uscourts.gov)

The Fourth Circuit Rulebook is available [here](#)

July 6, 2023  
Date

Patricia S. Connor  
Clerk

### **I.O.P.-34.3. Audio Files of Oral Argument.**

It is the practice of the Court to provide a live audio stream of oral arguments and make argument audio files available on the Court's Internet site without charge. ~~Audio files of oral arguments are made available on the Court's Internet site, without charge, by the next business day.~~ Counsel are reminded that the following information should not be included in argument to the Court:

- (A) Personal data protected by Fed. R. App. P. 25(a)(5):
  - (1) social security and taxpayer identification numbers;
  - (2) dates of birth;
  - (3) names of minor children;
  - (4) financial account numbers; and
  - (5) home addresses in criminal cases.
- (B) Criminal case information protected by the Judiciary's Privacy Policy for Electronic Case Files:
  - (1) unexecuted summonses or warrants;
  - (2) pretrial bail or presentence investigation reports;
  - (3) statements of reasons in the judgment of conviction;
  - (4) juvenile records;
  - (5) identifying information about jurors or potential jurors;
  - (6) financial affidavits filed under the Criminal Justice Act;
  - (7) ex parte requests to authorize services under the Criminal Justice Act; and
  - (8) sealed documents (e.g., motions for downward departure for substantial assistance, plea agreements indicating cooperation, or victim statements).

Any motion to seal argument must be filed on the public docket at least five days before oral argument, in accordance with Local Rule 25(c)(2). Audio files of sealed arguments will not be released absent an order of the Court unsealing the argument.

### **I.O.P. 36.4. Internet Citations in Opinions**

It is the practice of the Court to archive Internet sources cited in its opinions, when a reliable archival tool is available, and append the archive citation to the full citation. ~~Internet resources cited in the Court's opinions that can be saved in PDF format will be preserved by the opinion's author at the time of viewing and placed on the Court's docket as opinion attachments when the opinion is filed.~~