

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**IN RE: PROCEDURES FOR THE FILING
OF SEALED AND RESTRICTED
DOCUMENTS**

STANDING ORDER

In response to recent cyberattacks directed at public and private sector computer systems, including attacks directed at the judiciary, information technology specialists have advised this Court of the need to better secure our case management system. Public users enjoy direct access to this Court's electronic filing system through PACER and CM/ECF, and while this access creates cybersecurity vulnerabilities, there is a vital need to preserve the integrity of this critical public resource.

THE COURT FINDS that the best way to secure our case management system and ensure continued constitutional and common law access to all public Court records is to require that all sealed documents be filed only in paper format. This measure preserves the integrity of the PACER and CM/ECF systems by shielding documents properly designated as non-public from unauthorized electronic access by nefarious actors.

Importantly, this Standing Order does not change the criteria that permit a document to be filed under seal; instead, it changes the process for filing a sealed document. As contemplated by Federal Rule of Civil Procedure 5(d)(3)(A) and Federal Rule of Criminal Procedure

49(b)(3)(A), the Court finds that "good cause" exists to adopt this updated filing procedure.

Accordingly, **IT IS HEREBY ORDERED** that, effective as of the date of this Standing Order, and until such time as the Court orders otherwise, all sealed documents shall be subject to the "hard copy" handling requirements applicable to documents treated as Highly Sensitive Documents ("HSD"). These handling requirements are set forth in this Court's January 14, 2021, Order "In Re: Procedures for the Filing, Service, and Management of Highly Sensitive Documents," Misc. No. 3:21-mc-6, providing the procedure for the filing, service, and management of HSD. The Clerk's Office of this Court will be available to assist counsel and *pro se* parties and answer questions regarding the updated procedures for submitting sealed material.

The local rule governing sealing materials, found in Local Rule of General Procedure 6.01, is hereby modified by this Standing Order in that electronic filing under seal is no longer an option for documents that contain sensitive information. Rather, the item shall be filed with the Clerk's Office in hard copy form. Local Rule of Criminal Procedure 32.01 is also modified by this Standing Order in that no sealed or sensitive criminal document may be electronically filed on CM/ECF. Rather, the item shall be filed with the Clerk's Office in hard copy form.

Although sealed materials that do not qualify as HSD will be handled following the HSD hard copy filing procedures, these materials

should be referred to in relevant submissions as "Sealed" documents rather than as "Highly Sensitive Documents". Any materials that are permissibly filed under seal without the need for an accompanying motion to seal, such as a Fed. R. Crim. P. 35 motion for reduced sentence, may continue to be filed in hard copy form under seal without a motion.

Any questions about how a sealed document should be filed with the Court pursuant to this Standing Order should be directed to the Clerk's Office in the relevant Point of Holding Court:

Clarksburg - 304-622-8513

Elkins - 304-636-1445

Martinsburg - 304-267-8225

Wheeling - 304-232-0011

The Court **DIRECTS** the Clerk post this Order to its public website and to transmit copies of this Order to the Chief United States Probation Officer, the United States Bankruptcy Court, the United States Marshals Service, the Federal Public Defenders Office, and the United States Attorney's Office.

IT IS SO ORDERED this 14th day of August, 2025.



Honorable Thomas S. Kleeh
Chief Judge
United States District Court