

Electronic Case Filing User Manual for Attorneys and Non-Prisoner Pro Se Litigants



Eastern District of Texas
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Electronic Case Filing User's Manual

1. Electronic Filing Requirements

Electronic filing (e-filing) requirements and exemptions thereto are governed by [Local Rule CV-5](#). Attorneys are required to e-file most documents, and non-prisoner pro se litigants may register to e-file but are not required to e-file. (A non-prisoner pro se litigant who does not wish to e-file may still elect to receive electronic notice using the form located [here](#).)

Persons allowed to e-file will find additional ECF Training Resources, which must be reviewed prior to the submission of an ECF Registration request, and the link to the ECF Registration instructions on the court's website under the [Filing](#) tab in the main menu.

2. Notice of Electronic Access to Case File Information

The United States District Court for the Eastern District of Texas uses the Case Management/Electronic Case Files (CM/ECF) system to manage cases.

The EDTX CM/ECF system is accessed by the federal judiciary's Public Access to Courts Electronic Records ([PACER](#)) system. PACER provides remote electronic access to any user who establishes an account (including non-litigants). Such users may view all documents that have been publicly filed in a court unless a prohibition against remote electronic access based on federal or local rule, local court order, or the party's docket event selection (which is generally not altered by the clerk unless a judge has instructed the clerk to alter it) has resulted in the document's unavailability for remote access.

Even if circumstances have resulted in a document's unavailability for remote access, it may still be available for public review in any of the district's divisional offices at a public terminal. E-filers, referred to by this court's local rules as "Filing Users," are strongly encouraged to review all relevant federal and local requirements and guidance designed to help protect litigants' private information. It is the sole responsibility of counsel and the parties to ensure that redaction of personal identifiers is done. The clerk will not review each filing for redaction.

Counsel and the parties are cautioned that failure to redact personal identifiers and/or the inclusion of irrelevant personal information in a pleading or exhibit may subject them to the full disciplinary and remedial power of the court, including sanctions pursuant to Fed. R. Civ. P. 11.

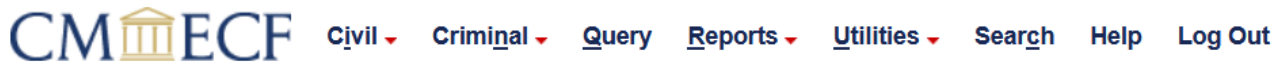
3. Notice Regarding Technical Failure(s)

The Clerk shall deem the TXED CM/ECF system to have been subject to technical failure(s) on any given day if CM/ECF is unable to accept filings continuously or intermittently over the course of any period greater than one hour after 12:00 noon that day. If this occurs, filings due that day that were not filed due solely to the technical failure(s) shall be due the next business day. However, such delayed filings may be rejected unless accompanied by a declaration or affidavit attesting to the filer's failed attempts to e-file

at least two times after 12:00 noon, separated by at least one hour – on each day of delay - due to such technical failure.

4. CM/ECF's Main Menu

After you have logged in using your PACER credentials, the main menu offers these functions:



- **Civil** – Use to e-file submissions in a civil case.
- **Criminal** – Use to e-file submissions in a criminal case.
- **Query** – Use to query by case number, party name, or nature of suit. (PACER fees apply.)
- **Reports** – Use to compile docket sheets and other reports. (PACER fees may apply.)
- **Utilities** – Use to review your transaction log and to update the secondary recipients whose emails will also receive Notices of Electronic Filing (NEFs) when you receive them and the list of cases that you are not assigned to but wish to monitor. (Use the Maintain Your Account or Maintain Your Email function and click on your email address in order to open the screen for further maintenance.)

Important: To maintain your contact information, you must update your PACER account. You may then spread the information to the courts that you have e-filing privileges in. Pro se litigants must also file a notice of change of address in each case.

- **Search** – Use to identify events, reports, and utility functions called by the key word you enter. The options in the list are quickly accessible via hyperlink.
- **Log Out** – Use to exit from CM/ECF to ensure no further filing is done using your credentials until you log in again.

5. General Docketing Instruction

See the Attorney Guide for Opening a Civil and Miscellaneous Case - Filing a Complaint or Other Initiating Document instructions. The steps for docketing a complaint (which may only be done by an attorney as a pro se litigant must file the complaint in paper before being eligible to e-file thereafter) or other initiating document show a variety of functions in ECF. Docketing other filings generally uses the same functions. Contact the clerk's office if you have a question while docketing your submission.

6. Filing Principles to Apply Each Time You Docket

- **Use Portable Document Format (PDF) and Limit Each to 50 Mb.**
ECF will not accept files of a different type or larger than 50 MB in size.

- **Use the Search Option to Choose the Best Docket Event Available.**

You can select the events listed under the **Civil** or **Criminal** menus, or you may use the **Search** function to search by key word (this is always recommended to ensure you identify the most appropriate event).

IMPORTANT: If you intend to file a document under seal or ex parte, ensure you use an event from the “Sealed Events” category. The *Motion to Seal*, and *Motion to Seal Case* events that are available in the “Motions” category will not protect the documents you attach. The *Motion to Seal* event is available for a public motion to seal that is filed pursuant to LR CV-5(a)(7)(C), which precedes the sealed filing. Pay careful attention to the NEF you receive at the end of any entry for a document you intend to file under seal. If you used a sealed event, the NEF will confirm that your entry was filed under seal and notice was not transmitted through the CM/ECF system. If the NEF indicates that it was distributed, contact our office immediately so we may assist you in applying a seal to the entry. (If a recipient’s account is configured to receive instant notice, the clerk cannot recall a NEF, which will display the docket text, but access to the PDF will be denied if the seal is applied before the document hyperlink is accessed. Be careful to select an appropriate event.)

If you cannot identify a specific event that sounds well-suited for your filing, or you are struggling with another event that appears suitable but will not complete, please call a CM/ECF Help Desk for assistance during regular business hours. If you are at risk of missing a filing deadline and cannot wait on assistance, we recommend that you use the *Notice (Other)* event found under the Civil and Criminal menus, Other Filings, Notices category.

Since pro se e-filers cannot open new civil cases, they do not have access to the events listed under Complaints and Other Initiating Document in the Initial Pleading and Service category. If an Amended Complaint needs to be filed, a pro se e-filer may use the *Amended Document (Not Motion)* event found under Other Filings, Other Documents category.

Similarly, pro se e-filers do not have access to sealed filing events. If a restricted document needs to be filed (sealed or *ex parte*), a pro se e-filer may use the *Pro Se E-Filer Restricted Document* event found under Other Filings, Other Documents category. The filing will initially be visible only to court personnel. Court staff will review the filing and modify the entry only as necessary to achieve the following:

- Docket sheets will display the docket text of a sealed civil case document. The public docket text will reflect the title of the document. The document CANNOT be opened by any party.
- Docket sheets will NOT display the docket text of a sealed criminal case document. The document CANNOT be opened by any party.
- Docket sheets will NOT display the docket text of an ex parte civil or criminal case document except to the filing party. An *ex parte* document CANNOT be opened by any party.

- **If You File in a Multi-Defendant Criminal Case, Spread the Entry Appropriately.**

If the document applies to fewer than all the defendants, do NOT check the main case option at the top of the case list. Instead, click each applicable defendant’s case. Over-spreading a docket entry in a multi-defendant criminal case is one of the most common errors made.

- **Abide by Noted Protocols When Adding New Parties.**

Click “Add a party” and search among the parties that already exist in the ECF system to see if a suitable match is available.

If you must add a new party, use only the Last Name (a corporation’s full name should be entered here), First Name, Middle Name, Generation, and Title fields (as appropriate). Update the party’s Role (Plaintiff, Defendant, Petitioner, Respondent, etc.) from the available list. LEAVE ALL OTHER FIELDS BLANK. (Important: Do NOT add an email address for any party in this screen.)

Repeat the steps above as many times as needed. The information has been only temporarily stored. Once all necessary parties have been added, click “Update Case” to queue the information for addition. The information is still only temporarily stored. You must proceed through the remainder of the event and SUBMIT it for the party additions to be committed to the case. (Hint: Once you Submit, you should receive the NEF.)

- **Do Not Open a New Case if You Made a Mistake but Can Still Upload the Complaint.**

The clerk’s office will correct case opening errors the following business day. It is preferable for us to assist you in this way rather than you needing to request a refund of a filing fee that you paid twice for the same case. If you notice that you made an error while docketing (vs. case opening), simply abort the entry and start over.

- **Link Related Documents.**

If your document refers to an existing document in the case, click the option to “Refer to existing event(s)?” and then select the related document from the list.

If a document relates to an underlying motion, always select the motion. (This is true even if you are filing a reply to a response.)

- **If You File a Motion, Attach a Proposed Order.**

The proposed order should be attached to the motion as a separate attachment and designated as “Proposed Order” before you “Add to List.”

- **Attach the Proposed Document as an Exhibit to the Motion for Leave to File the Document.**

If your motion is granted, the order will direct you to electronically file your document. You must e-file the document as new at that time.

- **Use the Notice of Electronic Filing (NEF) to Determine if You Need to Serve by Other Means.**

If a party is not a registered ECF user, the party could not have received the NEF. Additionally, some sealed documents will generate notice to the parties, but they cannot open the PDF.

The NEF indicates who was sent electronic notice, and who was not. If you must serve by other means, a Certificate of Service is also required.

- **If You Make a Docketing Error, Contact the Clerk’s Office as Soon as Possible.**

ECF will not allow you to change a document or entry after the transaction is submitted. When you call, you will be provided guidance, which may include requesting you to refile the document. If appropriate, the clerk will make an entry indicating that the document was filed in error.