

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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**STANDING ORDER REGARDING
THE SEALING OF CRIMINAL CASE DOCUMENTS**

Unless otherwise directed by the presiding judge, the Clerk of Court for the Austin Division will ensure there is no public access, either in paper or electronic form, to the following documents:

1. criminal complaints, supporting affidavits, arrest warrants, and related papers, until each named defendant has been arrested or has made an appearance in federal court, at which time the documents shall be unsealed as to the arrested defendant(s) only;
2. search and seizure applications and associated warrants, tracking applications and associated warrants, and related papers;
3. pen register or a trap and trace device applications pursuant to either 18 U.S.C. § 3121 *et seq.* or 18 U.S.C. § 2516 *et seq.*;
4. all applications and orders for legal process obtained under 18 U.S.C. § 2703, nondisclosure orders issued under 18 U.S.C. § 2705(b), and related papers;
5. unexecuted summonses and unexecuted warrants of any kind;
6. pretrial bail or presentence investigation reports, and any addenda or objections thereto;
7. statements of reasons in a judgment of conviction;
8. juvenile records;
9. documents containing identifying information about jurors or potential jurors;
10. financial affidavits or target letters filed in seeking representation pursuant to the Criminal Justice Act;
11. *ex parte* requests for authorization of investigative, expert, or other services pursuant to the Criminal Justice Act;
12. motions for downward departure for substantial assistance under Section 5K1.1 of the U.S. Sentencing Guidelines, memoranda in support thereof, responsive pleadings, and orders granting or denying the same;

13. motions for reduction of sentence under Fed. R. Crim. P. 35(b), memoranda in support thereof, responsive pleadings, and orders granting or denying the same; and
14. amended judgments pursuant to a grant of a Fed. R. Crim. P. 35(b) motion.

The Clerk of Court shall file the documents listed above under seal without need for a motion to seal or a certification by counsel and, upon request, provide a copy to the filing party. The documents shall remain sealed until otherwise ordered by the Court. A party to a criminal case possessing a sealed document relevant to that criminal case may disclose it to the opposing party(ies) under the law and rules applicable to criminal discovery without further order of the Court.

The Court finds that there is a substantial interest in routinely sealing certain types of criminal case documents because public dissemination of the documents would substantially risk endangering the lives or safety of law enforcement officers, United States Marshals, agents, defendants, witnesses, cooperating informants, judges, court employees, defense counsel, prosecutors, or their respective family members, and could jeopardize continuing criminal investigations.

The Court recognizes that the public has a qualified right to inspect and copy judicial records and documents. Accordingly, any documents sealed pursuant to this Standing Order may subsequently be unsealed on a case-by-case basis upon a showing of good cause.

The Standing Order Regarding Sealing of Warrants, entered by this Court on April 22, 2016, is hereby rescinded.

This standing order and the procedures set out herein are applicable in the Austin Division of the Western District of Texas.

SIGNED this 28th day of July, 2022.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE