

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

Procedures on Electronic Submissions of Warrant Applications

These procedures apply to the Government's electronic submission of requests for warrant applications under Federal Rules of Criminal Procedure 4(d), 4.1, and 41. **Failure to follow these procedures may result in the denial of the warrant application, regardless of whether probable cause exists.**

a. Before Submitting to the Court

Before the affiant/agent submits his or her warrant application packet to the Court, an Assistant United States Attorney (AUSA) **must review *and* approve both the form *and* substance of the entire packet**, which may include:

- Motion to seal (and proposed order)
- Motion for a non-disclosure order (NDO) (and proposed order)
- Forms from the Administrative Office of the U.S. Courts (AO)
- Affidavits

The AUSA must also fill out the Submission-Packet Checklist attached to the end of these procedures and send it to the affiant/agent who will send the finalized submission to the Court.

b. Email Submission to the Court

1. In the email submission to the Court, the affiant/agent must attach **the entire *finalized* packet** and, depending on the magistrate judge's individual preferences, **either in separate PDF files or as a single PDF file** in which the documents must be in the following order, if applicable:

- (1) Motions to seal
- (2) Motions for non-disclosure orders (NDOs)
- (3) AO Form with Warrant Application
- (4) Affidavit
- (5) AO Form with Warrant

The affiant/agent's signature in the finalized packet must be either a wet or electronic signature. **NO digital signatures will be accepted.**

If the affiant/agent is submitting multiple warrant applications on the same email, then each warrant application must have its own finalized packet—even if supported by the same affidavit.¹

2. The affiant/agent must also include in the **body of the email**:

- Any exigencies requiring the magistrate judge to review and rule on the application by a certain date and time;
- The name of the AUSA who reviewed and approved the application; and
- A cell phone number where the affiant/agent can be reached.

3. The affiant/agent must also attach, **as a separate PDF file**, the Submission-Packet Checklist filled out by the AUSA who reviewed and approved both the form and substance of the warrant application.

c. Submitting Warrant Returns to the Court

Once the affiant/agent has executed the warrant, OR the warrant expires and the affiant/agent did not execute it, pursuant to Federal Rule of Criminal Procedure 41(f), the affiant/agent must promptly (1) fill out, (2) sign (either with a wet or electronic signature; NO digital signatures), and (3) submit **all pages** (that is, the warrant, the return with the signed certification, and a copy of the inventory if applicable) of the warrant return to the Court.

¹ This means that if an affiant/agent uses the same affidavit for more than one warrant application, each packet must include a copy of such affidavit.

Submission-Packet Checklist

☐ **EMERGENCY WARRANT** (check only if ruling needed as soon as possible or within the same day)

1) Deadline for emergency: _____

2) Describe the emergency: _____

Type of warrant application:

☐ Search/Seizure Warrant

Planned Execution Date: _____

☐ Premises

☐ Phone

☐ Social Media

☐ Financial Accounts

☐ Other: _____

☐ Tracking Warrant

Planned Execution Date: _____

☐ Tracking Device (Physically Installed)

☐ Cell-Phone Tracking

☐ Arrest Warrant and Complaint

Planned Execution Date: _____

☐ Pen Register

☐ Administrative Subpoena

☐ § 2703(d) Order

Other orders sought:

☐ Motion to Seal

☐ 3103a Delayed Notice Duration: ☐ 30 days ☐ 90 days ☐ 120 days ☐ Other: _____

☐ Non-Disclosure Order (§ 2705(b))

☐ Other: _____

Warrant Application has been previously reviewed OR denied:

Date: _____

Judge: _____

Reason Denied (if known): _____

Affiant's Name & Agency: _____ Affiant's Cell Phone #: _____

I, _____, certify that I reviewed *and* approved each of the documents in the warrant application packet as to form and substance, and obvious misspellings.

AUSA's Cell Phone #: _____

Assistant United States Attorney