

Information on Electronic Filing for Prisoners and Institutionalized Persons

Are prisoners and institutionalized persons required to file electronically?

No, pro se litigants are not required to file documents electronically. 3d Cir. L.A.R. Misc. 113.2(b). Pro se litigants may file paper copies with the clerk. The clerk's office scans documents that qualify as public record documents and attaches them to the electronic docket. Litigants are advised that due to the volume of pro se filings, the process of scanning and filing documents may take several weeks.

How can I view the electronic docket?

Opening a PACER account is all that is necessary to obtain access to an electronic docket. Fees may apply for viewing documents on PACER; see the PACER web site for information on fees: pacer.psc.uscourts.gov Registration as a Filing User is not necessary in order to check the electronic docket and read attached documents. In accordance with Judicial Conference policy, documents in immigration and social security cases are locked and can not be viewed remotely. Documents in immigration and social security cases may be viewed at the courthouse in the clerk's office. Appendices in criminal cases are similarly locked. Documents that are sealed by court rule or order are not available electronically or at the courthouse. Opinions are posted on the court's web site as required by the E-Government Act and can be viewed free of charge.

May I register as a Filing User and file documents electronically?

Ordinarily, prisoners and institutionalized persons will not be approved as Filing Users. Prisoners and institutionalized persons must file documents with the clerk in paper form only. There are unique IT obstacles to electronic filings by prisoners and institutionalized persons. Programs in prisons and institutions that permit prisoners to receive e-mail often do not provide Internet access or permit attachments to e-mail. Because registration as a Filing User constitutes consent to electronic service of all documents by opposing counsel, 3d Cir. L.A.R. 113.2(c), and because the clerk's office transmits all orders, opinions, etc. to Filing Users by electronic means, 3d Cir. L.A.R. 113.10, Filing Users must be able to receive attachments. The clerk's office can not mark notices of docket activity with attached documents as legal mail.

May I have a friend file documents or check the docket for me?

Non-lawyer third parties, e.g. relatives and friends, may not file documents for prisoners. 28 U.S.C. § 1654. Only parties to a case and law firms representing parties may file documents in a case. The clerk is required by Fed. R. App. Pro. 45(c) to send notice of entry of judgment to "each party with a copy of any opinion..." Notice "on a party represented by counsel must be made on counsel." *Id.* Transmission of an order, opinion, judgment, etc. to a third party for delivery to a party or counsel is not sufficient.

A third party can check the docket for prisoners by obtaining a PACER account. Fees may apply for viewing documents on PACER; see the PACER web site for information on fees:

www.pacer.psc.uscourts.gov