

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In Re: Procedures for the Filing, Service and
Management of Highly Sensitive Documents

ADMINISTRATIVE ORDER 453

The Judicial Conference of the United States has directed all federal courts to issue new security procedures for materials that contain highly sensitive information. Pursuant to Rule 5(d)(3)(A) of the Federal Rules of Civil Procedure and Rule 49(b)(3)(A) of the Federal Rules of Criminal Procedure, the court finds good cause to require parties to file certain highly sensitive documents outside of CM/ECF.

This order defines “highly sensitive documents” (HSDs) and establishes the procedures that apply to the filing and service of HSDs in cases in the Western District of Wisconsin. HSDs will be maintained by the court not on CM/ECF, but in a secure place that is not accessible to the public.

A. Highly Sensitive Documents defined

An HSD is a document containing information that, if disclosed, would undermine an active criminal investigation, pose an extreme risk to the safety of any person, or cause significant economic damage to any person or entity.

Not every document that qualifies for filing under seal is an HSD. The following are presumptively not HSDs:

1. Pleadings in criminal cases that do not disclose the identity of persons who provided substantial assistance or past cooperation;
2. Social security records; administrative immigration records; and qui tam complaints; and
3. Confidential commercial or proprietary information.

1. Documents designated as HSDs without court order

The following documents are deemed to be HSDs and are to be treated as HSDs without a further court order:

1. Search warrants and related applications;
2. Applications for electronic surveillance under 18 U.S.C. § 2518;
3. Applications for stored electronic communications under 18 U.S.C. § 2703(d);
4. Applications for non-disclosure of grand jury subpoenas under 18 U.S.C. § 2705;
5. Grand Jury disclosures under Fed. R. Crim. P. 6(e)(3)(D)(ii);
6. Applications and related orders under 18 U.S.C. § 3122;
7. Sealed charging documents;
8. Sealed arrest warrants; and
9. Motions for a sentence reduction under Fed. R. Crim. P. 35 or U.S. Sentencing Guidelines § 5K1.1.

2. Documents designated as HSDs by order of the presiding judge

A party may, by motion to the presiding judge or to the magistrate judge, request that a document not specified in the categories above be designated an HSD so long as it meets the definition of HSD. Presentence reports, pretrial release reports, and probation violation reports may be designated as HSDs at the discretion of the presiding judge or the magistrate judge on the recommendation of the probation officer who prepared the report.

The motion itself may be filed through CM/ECF, but it must not disclose the highly sensitive content. The proposed HSD itself must be promptly submitted to the court through the means provided below. If the court denies the motion for HSD designation, the filing party will be required to promptly file the document through CM/ECF.

B. Filing of Highly Sensitive Documents

Effective immediately, HSDs and proposed HSDs must be submitted by parties or counsel, except as noted below, on an encrypted thumb drive.

The United States Attorney's Office must submit HSDs and proposed HSDs either on an encrypted thumb drive or through USAfx.

The Probation Office must submit HSDs and proposed HSDs to a secure drive on the court's network.

C. Service of HSDs

If required to be served, HSDs must be served in a manner that preserves the confidentiality of the HSD and its sensitive content.

D. Previously filed documents

The court will not of its own accord identify or remove any previously filed HSDs from CM/ECF.

A party may, by motion to the presiding judge or the magistrate judge, request that a previously filed document be designated as an HSD if the document meets the definition of HSD. If the motion is granted, the HSD will be removed from CM/ECF and maintained in a secure location, inaccessible to public access, until the case is closed. The moving party is responsible for maintaining a copy of the HSD for purposes of appeal.

This order amends Administrative Order No. 450.

Entered October 28, 2025.

BY THE COURT:

/s/

JAMES D. PETERSON
Chief District Judge