

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA**

IN RE:	)	No. 23-mc-00001
	)	
PRISONER ELECTRONIC FILING PROGRAM	)	GENERAL ORDER/ ADMINISTRATIVE POLICY <b>2023-45</b>

**GENERAL ORDER**

This General Order replaces and supersedes the General Order In re: Prisoner Electronic Filing Program issued on June 26, 2014.

The purpose of this General Order is to set forth the updated procedures of the Southern District of Indiana’s Prisoner Electronic Filing Program (“E-Filing Program”), which was first implemented on June 5, 2013. The E-Filing Program uses technology to allow safe, efficient, and cost-effective filing of documents with the Southern District of Indiana Clerk’s Office by Indiana state prisoners incarcerated by the Indiana Department of Correction (“DOC”) at participating facilities, including facilities run by corporations who have contracted with the State of Indiana to house prisoners. All prisoners at participating facilities are required to use the E-Filing Program to file documents with the Court and to send any correspondence to the Court. The E-Filing Program is mandatory for all prisoners incarcerated within participating facilities.

Prisoners who must participate in the E-Filing Program may consent to participate in an optional Electronic Service Program ("E-Service Program"), more fully described below. The E-Service Program is intended to benefit individual litigants, the DOC, and the Court by avoiding delays and expenses associated with the mailing of documents.

**It is ORDERED** that the E-Filing Program shall operate as follows until further directed by the Court:

1. Participants in the E-Filing Program include a) the Clerk's Office for the Southern District of Indiana; b) the prison facilities identified in Exhibit A to this Order; and c) any prisoner who is or who seeks to be a party to civil litigation filed in this Court and who is also confined at a facility identified in Exhibit A to this Order.
2. The Court anticipates that the E-Filing Program will expand to include additional DOC facilities in the future. Accordingly, Exhibit A may be amended informally from time to time to reflect that expansion without formal amendment of this General Order.
3. Each participating facility will establish an e-mail address at which prison library staff ("Library Staff") may receive NEFs.
4. To implement the E-Filing Program, Library Staff will scan and submit documents provided by a prisoner for filing to the Court via e-mail, consistent with procedures prescribed by the Clerk of Court.
5. The Court has provided each facility with a stamp that will be used to mark the first page of the document submitted by a prisoner for filing. This stamp contains the document's page count, the initials of the Library Staff processing the document, and the date the document is submitted for E-Filing. This stamp serves to preserve the "filed" date of the document.
6. All prisoners at participating facilities are required to use the E-Filing Program to file documents with the Court and to send any correspondence to the Court. This is true even if they do not consent to participate in the optional E-Service Program.
7. Prisoners who want to participate in the E-Service Program must execute a written consent agreeing to receive a copy of documents issued by the Court via the E-Service Program.

The consent must be executed for each case in which the prisoner seeks to participate in the E-Service Program and must be in the form appended to this Order as Exhibit B. Library Staff will transmit the consent form to the Court via the E-Filing procedures.

8. E-Service Program participants receive a paper copy of the Notice of Electronic Filing (“NEF”) that is automatically generated by the Court’s Case Management / Electronic Case Filing system (“CM/ECF”) when an E-Service participant’s filing is docketed, or when the Court issues a document. The NEF constitutes the official service upon and notice to the other parties who have appeared in the case if they are represented by counsel. In addition to the NEF, E-Service Program participants also receive a copy of the first page of the document they filed , or a complete copy of any Entry, Order, or Notice issued by the Court, including any attachments. The NEF and any associated documents are delivered to the prisoner through the prison law library and/or institutional mail.
9. Prisoners who do not participate in the E-Service Program will receive Court-issued documents via U.S. Mail. These prisoners will not receive a NEF and will not receive a copy of the first page of their filed document.
10. Prisoners who do not participate in the E-Service program are responsible for serving their non-case initiating filings on any unrepresented parties in accordance with the Federal Rules of Civil Procedure.
11. The E-Filing and E-Service Programs are not available in criminal cases.
12. Any prisoner who is a party to a civil case pending in the Southern District of Indiana must notify the Court immediately of any change of address (i.e., upon transfer or release) by filing a written Notice of Change of Address with the Clerk of Court, whether or not

prisoner is required to use the E-Filing program, and whether or not the prisoner has consented to E-Service.

13. If at any time a prisoner is released from prison or transferred to a facility that is not participating in the E-Filing Program, the prisoner's participation in the E-Filing and E-Service Programs will terminate, and all participants, including the Court, will return to the traditional method of filing and serving case documents through the U.S. Mail.
14. If a prisoner is transferred to another correctional facility participating in the E-Filing Program, the prisoner's previous participation in the E-Service Program will terminate, and the prisoner is required to execute a new consent to E-Service form to resume participation in the E-Service Program at the prisoner's new facility. The new consent to E-Service form must be executed for each case in which the prisoner seeks to participate in the E-Service Program, and must be in the form appended to this Order as Exhibit B.
15. If Court-recruited counsel enters an appearance on behalf of a prisoner who has consented to E-Service, the prisoner will continue to participate in E-Service. If a prisoner who has consented to E-Service retains counsel, the prisoner's participation in E-Service is terminated.
16. Case initiating documents (such as petitions and complaints) that are E-Filed will not be served until service is directed by the Court. Only one copy of the complaint or petition should be filed, and copies of United States Marshal Service Form 285 or Summons are unnecessary.
17. The E-Filing Program does not affect the obligation of other parties to serve copies of documents and all attachments in accordance with the Federal Rules of Civil Procedure. It

is the responsibility of defendants and non-prisoner parties, not Library Staff, to mail to the prisoner, via U.S. Mail, copies of any documents filed with the Court.

18. Library Staff shall retain and mail the paper documents submitted for E-Filing to the Clerk of Court on a monthly basis. These documents will be retained by the Clerk for a period of up to 90 days and then destroyed consistent with the Clerk's Office document retention policies.
19. It is the Court's expectation that each participating prison facility will provide prisoners with regular access to E-Filing. This means that each participating prison should have a policy or practice in place to allow a prisoner to **submit** documents for E-Filing each day the Clerk's office is open.
20. Only if the prisoner housed in a participating prison faces an institutional barrier to E-Filing may he or she submit a document for filing through the U.S. mail. That filing should set forth why the E-Filing program could not be utilized. The prisoner should not mail paper copies of documents that have been E-Filed to the Court.

For the Court,

Date: 12/11/2023

A handwritten signature in black ink, reading "Tanya Walton Pratt", is written over a horizontal line.

Hon. Tanya Walton Pratt, Chief Judge  
United States District Court  
Southern District of Indiana

Exhibit A

Facilities Participating in the Prisoner E-Filing Program

Wabash Valley Correctional Facility – Effective June 5, 2013

Westville Correctional Facility - Effective May 1, 2014

Pendleton Correctional Facility – Effective July 2, 2014

Plainfield Correctional Facility – Effective July 1, 2016

Reception Diagnostic Center – Effective July 1, 2016

Branchville Correctional Facility – Effective July 13, 2016

Correctional Industrial Facility – Effective August 24, 2016

Putnamville Correctional Facility – Effective January 24, 2017

Miami Correctional Facility – Effective October 25, 2017

Indiana State Prison – Effective January 12, 2018

Exhibit B

**Consent to Receive Documents Through Prisoner Electronic Service Program**

I am participating in the United States District Court for the Northern and Southern Districts of Indiana Prisoner Electronic Filing Program ("E-Filing Program"). I now wish to consent to receive service of Court documents via the optional Electronic Service Program ("E-Service Program") as provided below.

Under the E-Service Program, when the Court issues an Order, Entry, or other document, a Notice of Electronic Filing is automatically generated and sent to prison library staff. In order to receive copies of documents issued by the Court more quickly, I consent pursuant to Fed. R. Civ. P. 5(b)(2)(F) to be served with documents issued by the Court via the E-Service Program. By consenting to participate I will receive via the institutional mail a printed copy of any ruling or notice issued by the Court in the case and a copy of the Notice of Electronic Filing.

This consent is valid for this case only and for as long as I reside at my current correctional facility. A new consent form must be signed and filed if I am transferred and the new facility participates in the E-Filing Program, or if I wish to participate in the E-Service Program in any other case. I acknowledge that it is my obligation to notify the Court of any change in my address.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

DOC Number: \_\_\_\_\_

Address: \_\_\_\_\_