

**United States Court of Appeals
for the Ninth Circuit**

Administrative Order Regarding Prisoner E-Filing

The United States Court of Appeals for the Ninth Circuit adopts the following provisions to govern the electronic filing of documents via email by inmates in participating correctional facilities within the Ninth Circuit. These provisions may be amended from time to time, with or without prior notice, by further order of the Court. The Court may deviate from these procedures in specific cases if deemed appropriate in the exercise of its discretion.

Effective Dates

On September 1, 2018, the Ninth Circuit implemented its first mandatory prisoner e-filing program for inmates in participating facilities within the Arizona Department of Corrections, expanding the existing program in the District of Arizona to appeals from those inmates.

The Ninth Circuit is in the process of expanding its prisoner e-filing program to include appeals from inmates in participating facilities in additional states within the Ninth Circuit. As of October 1, 2022, participating facilities in Idaho and Montana will be included in the mandatory prisoner e-filing program already in effect in the Districts of Idaho and Montana.

This Administrative Order applies to the existing program in Arizona, the newly expanded programs in Montana and Idaho, and will apply to appeals from any additional states as of the dates noted in future amendments to this Order.

Pleadings that must be e-mailed to the Court

Inmates in participating facilities in states covered by this Administrative Order will be required to submit briefs, motions, responses to Court orders, and any other correspondence in pending Ninth Circuit appeals (in which they are not represented by counsel) to the designated prison staff for scanning and e-mailing to

the Court. Notices of appeal must continue to be submitted to the underlying district court, not to the Ninth Circuit.

Original proceedings (such as petitions for writ of mandamus or applications to file second or successive habeas petitions) and all subsequent filings submitted in those proceedings are currently exempt from this order and must continue to be filed in paper and mailed to the Court.

Requirements for e-filed pleadings

All filings submitted to prison staff for scanning and e-mailing to the Ninth Circuit must have the appeal caption AND Ninth Circuit case number clearly noted on the first page, along with the title of the document. All documents submitted to prison staff for scanning and e-mailing to the Ninth Circuit must be accompanied by the appropriate request or authorization form if such a form is required by the underlying district court and/or by the facility.

All documents must be legible and dark enough for scanning (use a dark pen if possible). Documents must not be double sided, and all pages of each document must be numbered in order. Multiple documents must be submitted as separate documents, each clearly titled and with pages separately numbered. Inmates must separate individual documents of more than 50 pages into smaller documents, labeled as such (1 of 3, 2 of 3, 3 of 3). Pleadings and other documents may be rejected by prison staff or by the Court if they do not comply with these requirements.

Inmates must not attach case law or copies of district court filings that are accessible to the Ninth Circuit on PACER. Unreasonably lengthy exhibits may be rejected for scanning by prison staff if they contain these items.

Service on Inmates and Notices from Court

The Court will provide a notice of docket activity to prison staff when the e-mailed document has been filed, and staff will return the original documents to the inmate, along with a copy of the notice that they have been filed.

When the Court issues any notices, orders or decisions in any case in the program, the Court will serve the inmate by emailing a notice of docket activity to prison

staff that includes a link to the filings. Staff will print the notice of docket activity and the linked filings and provide them to the inmate. The Court will not separately serve the inmate by any other means.

All other parties to the case will continue to serve the inmate with their own pleadings and filings in paper format through the US Mail or other delivery service.

Effect of Failure to Comply with this Order

Any pleading submitted to the Ninth Circuit in paper format via US Mail by a pro se inmate in a participating facility in a state covered by this Administrative Order will be noted as deficient and may be stricken or rejected by the Court.