UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

IN THE MATTER OF:

CM/ECF CIVIL CASE OPENING MODULE

MISC. 03-149(JAF)

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U.S. DISTRICT COURT
SAN JUAN, P.R.

STANDING ORDER NO. 7

Preface

Effective March 4, 2008, the Court adopted and began implementation of the Case Management / Electronic Case Filing (CM/ECF) Civil Case Opening Credit Card Module whereby registered CM/ECF users may electronically open a new civil case and file a civil initial pleading using a credit card to pay any required filing fee. Effective June 3, 2008, electronic civil case opening, submission of pleadings, and payment is mandatory for all registered CM/ECF users, absent exceptional circumstances.

Previously, through Standing Orders Nos. 5 and 6, the Court addressed the matter of credit card payment and refund of filing and other fees through PAY.GOV, respectively. The purpose of this Standing Order is to separately address implementation of the module's civil case opening portion which allows attorneys to open civil cases electronically.

Electronic Civil Case Opening

The System's civil case opening feature prompts a filing attorney to create, by the input of statistical and party information data, a new civil case in the Court's ECF database. The System automatically assigns a new civil case number once all the statistical information and parties are entered, after which there will be a prompt to docket the lead event. During the entry of the lead event (initial pleading such as a complaint, petition, or

notice of removal) payment of any required filing fee will be made through www.Pay.gov.

Once an attorney has e-filed the initiating document and submitted the filing fee payment via PAY.GOV, the Clerk's Office will, via ECF, notify the judge assignment and send the issued summons(es). The Notice of Electronic Filing (NEF) generated upon successful submission of the initiating document will notify the judge and the attorney filing the case.

The "Attorney's CM/ECF Manual for Civil Case Opening / Credit Card Module," posted at the Court's web site, www.prd.uscourts.gov, is a step-by-step guide which provides images of each screen with explanations and descriptions of what each field captures when electronically opening a civil case.

Specific Directives

1. The filing date of an electronic document is the date and time stated on the NEF. When the intent is to file a document prior to midnight, it is recommended that the civil case opening and initiating document docketing process begin well enough in advance to insure completion of the entry and creation of the NEF prior to midnight.

2. The System's civil case opening feature is not a holding place for an initiating document. Absent the filing of an initiating document as part of the civil case opening transaction, a civil case opened is not considered or construed as a "civil action" as defined by Rule 2 of the Federal Rules of Civil Procedure. The civil case number assignment feature of the civil case opening transaction is nothing but a mere automatic computer-generated response.

Under Rule 3 of the Federal Rules of Civil Procedure, a civil action is commenced on the date on which a complaint is filed.

3. A case should be opened electronically, followed by the immediate filing of the lead event or initiating document and electronic payment of any required filing fees. Absent compliance with this directive, the Clerk's Office may close the case administratively.

4. In the event that a civil case is opened without the electronic docketing of a lead event or initiating document, the Clerk's Office will administratively close the civil case the following business day.

5. The Clerk's Office will not submit a civil case opened into the Computerized Case Assignment System for the random assignment of a judicial officer until the initiating document has been docketed and the applicable filing fee paid.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 29th day of April, 2008.

JOSE ANTONIO FUSTE
CHIEF, U.S. DISTRICT JUDGE