

IN THE UNITED STATES DISTRICT AND BANKRUPTCY COURT
DISTRICT OF IDAHO

In Re: FAX FILING

GENERAL ORDER NO. 395

On December 23, 2005, this Court issued General Order No. 201 to address fax filing after the Court implemented Electronic Case Filing (“ECF”). Having made ECF mandatory for attorneys in both the District and Bankruptcy Courts effective January 1, 2006, the Court set limits on when parties may file by fax. The Court has since closed the courthouse in Moscow, Idaho and removed drop boxes from all courthouses in the District. This General Order supersedes General Order 201 and updates the criteria for fax filing given these changes.

NOW THEREFORE IT IS HEREBY ORDERED that, effective immediately, fax filing will ONLY be available and allowed to individuals in the following circumstances:

- A. Unrepresented (pro se) litigants, who are located in an area not reasonably convenient to a Federal Courthouse in this District (Boise, Pocatello, and Coeur d’Alene) where a filing can be made, and who show extenuating circumstances indicating they cannot use other available filing alternatives (such as in-person filing during business hours; mail; or delivery/courier service).

- B. An attorney who demonstrates that (i) he or she cannot use electronic filing and is or should be exempt from the mandatory ECF requirement, and (ii) he or she cannot reasonably use any other filing alternative (in-person filing; mail; or delivery/courier service), and (iii) he or she has obtained the prior approval of the assigned judge.

IT IS FURTHER ORDERED that this General Order replaces and supersedes all prior general orders, including but not limited to General Order No. 201, with respect to fax filing.


IT IS FURTHER ORDERED that the following requirements shall apply to all persons qualifying for fax filing under category A or B of this General Order as set forth above.

1. Facsimile produced documents submitted for filing with the Court shall comply with all applicable Local District and Bankruptcy Rules and the Federal Rules of Civil, Criminal and/or Bankruptcy Procedure.
2. Fax filings shall be made to the Clerk's Office. No direct fax filings to chambers will be permitted.
3. A document shall be deemed "filed" when it is received in the Clerk's Office and complies with all the requirements listed in this General Order, including the payment of any applicable filing fees, copying fees, or miscellaneous fees. Mere transmission by the sender does **not** constitute "filing."
4. The fax received will be electronically scanned, and the scanned version shall constitute the original for all Court purposes. The original signed document

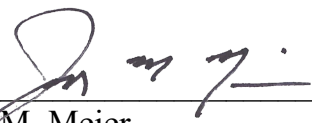
transmitted by the fax filer should not be later filed with the Court and will not be accepted by the Court. The signed original should be maintained by the filing party until the conclusion of the case. The sending party is also required to maintain a transmission record in the event the fax filing later becomes an issue.

5. If approved by the Court, documents that may be filed by fax include all documents in civil, criminal, bankruptcy and adversary proceedings except search warrants, arrest warrants and their returns, charging instruments, pretrial diversion agreements, plea agreements, pre-sentence investigation reports and all types of documents specifically excluded from electronic filing by the ECF Procedures.
6. The Court shall not accept documents for filing unless appropriate arrangements for payment of any required filing fees and/or other applicable fees have been made by the transmitting party. A credit card number may be required for the payment of any associated filing fees.

DATED: April 9, 2021



David C. Nye
Chief United States District Judge



Joseph M. Meier
Chief United States Bankruptcy Judge