

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

IN THE MATTER OF:)
SEARCH AND SEIZURE) **STANDING ORDER**
WARRANT CASES)
)

It is well established that the public has a common-law right of access to judicial records. Nixon v. Warner Communications, 435 U.S. 589, 597 (1978). This right of access is not absolute, but requires a weighing of competing interests. Id. The decision of the Court to file a document under seal or to seal an entire case is a matter left to the discretion of the Court. See Webster Groves School District v. Pulitzer Publishing Company, 898 F.2d 1271, 1376 (8th Cir. 1990). A Court deciding to seal a document or a case must explain why sealing was necessary and why less restrictive alternatives were not appropriate. See In re Search Warrant for Secretarial Area Outside Office of Gunn, 855 F.2d 569, 574 (8th Cir. 1988).

The Court finds that search and seizure warrant cases contain routinely-filed documents in which a restriction of public access is necessitated by a compelling government interest. Effective October 1, 2011, search and seizure warrant cases must be filed under seal because public dissemination of the documents contained therein could endanger the lives or safety of law enforcement officers, United States Marshals, agents, defendants, witnesses, cooperating informants, judges, court employees, defense counsel, or prosecutors, and could jeopardize a continuing criminal investigation. The Court also finds that less restrictive alternatives are not appropriate.

All documents pertaining to the issuance of search and seizure warrants shall be filed under seal and shall remain sealed until ninety (90) days after the return of the search warrant. Upon the expiration of the ninety-day period, the cases and the documents shall be unsealed without further order of the Court. If the United States wishes for a particular search or seizure warrant case or

documents contained therein to remain under seal, the United States must file a motion and a supporting memorandum stating with particularity the reasons for the case or documents contained therein to remain under seal for more than 90 days and suggest a date certain on which the case or documents will be unsealed. The Court will review the motion and file an appropriate order.

IT IS SO ORDERED

Dated this 1st day of January, 2020.

/s/ Peter D. Welte
Peter D. Welte, Chief Judge
United States District Court