

Procedures for the Filing of Civil Case Opening Documents in CM/ECF By Attorneys in the Southern District of Mississippi

The Clerk's Office in the United States District Court for the Southern District of Mississippi now accepts civil case opening documents submitted electronically on the CM/ECF system in PDF format.

Types of Documents Accepted. Documents accepted by this means include, primarily, any new civil Complaint as defined by Rule 3 of the Federal Rules of Civil Procedure or any new Notice of Removal under 28 USC § 1446, together with any exhibits, a completed civil cover sheet, and any summons or summonses sought to be issued. If an attorney submits other, non-case opening documents or pleadings, those pleadings will be rejected, and the attorney will be contacted by the Clerk's Office and instructed to electronically file them using the correct case number in CM/ECF once the case is officially opened. All documents must be submitted in PDF format.

Payment of Filing Fee. To utilize this feature, payment of the appropriate filing fees must be submitted through the U. S. Treasury Internet credit card program (www.pay.gov) within the court's CM/ECF system. The proper filing fee paid through www.pay.gov must accompany case opening documents.

Available Only to Attorneys Admitted to Practice in our Court. Only attorneys admitted to practice in the Southern District of Mississippi are allowed to file new cases electronically.

New Cases Are Still Accepted in Paper at the Counter and by Mail. The Clerk's office will continue to accept and process new cases filed conventionally either in person or by mail. Those procedures and payment options have not changed and are still available to both attorneys and pro se litigants.

Date and Time of Filing. New cases submitted using this procedure will be deemed filed the day the Clerk's Office receives the initiating document and the required filing fee, although official case opening in CM/ECF may not take place until the following day.

Judge and Case Number Assignments Will Still be Made by the Clerk's Office. Upon verification that the proper fee has been paid, the Clerk's Office will assign a District Judge and a Magistrate Judge in accordance with Internal Rule No. 1, assign an official case number, and enter the initiating document(s) in CM/ECF. The submitting attorney will then receive a Notice of Electronic Filing

(NEF) containing the official case number and listing the assigned judges. The case number contained in this NEF will be the official case number for the matter and must be used on all further filings in the case.

Summons. Although summons(es) may be submitted electronically as attachment(s) to the complaint, they will still be issued by the Clerk's Office conventionally - that is, in paper. Attorneys must still prepare and submit a summons or summonses to the Clerk's Office for issuance in the form promulgated by the Administrative Office of U. S. Courts. Once the case is opened, the summons will be issued by the Clerk's Office and will be returned to the filing attorney by email from the Clerk's Office. Upon request, a summons or summonses can be printed in the Clerk's Office and made available to the filing attorney for pick up or mailing (upon receipt of a self-addressed stamped envelope). Service of the summons and complaint must still be made under Rule 4 of the Federal Rules of Civil Procedure.

Attorney Case Filing Procedure. To file a new civil case electronically, the attorney will:

1. Log in to CM/ECF using his or her assigned username and password.
2. Click on the "Civil" tab in the blue menu bar.
3. Click on one of the following links corresponding to the division in which the case is to be filed:

Open a New Civil Case (Northern Division)
Open a New Civil Case (Southern Division)
Open a New Civil Case (Eastern Division)
Open a New Civil Case (Western Division).

Pay careful attention to this step and be sure to select the correct division for the case. Cases filed in the wrong division are subject to dismissal by the presiding judge.

4. Highlight Civil Case Request by Attorney.
5. Follow all prompts.
6. Attach the Complaint or Notice of Removal as the main initiating document.

7. Attach all supporting documents, proposed summons(es), and the civil cover sheet **as separate exhibits to the complaint or notice of removal**. Please do not combine the complaint, civil cover sheet, exhibits and summons as one single document. Additionally, with a Notice of Removal, all pleadings served on the defendant in the state court below should be attached as an exhibit and the entire state court record must be filed as a separate document within 14 days after the Notice of Removal is filed.
8. Pay the proper filing fee using www.pay.gov when prompted. Please note, at this step, please do not click on your browser's back button or abandon the transaction, as this will result in an rejection of the filing and a charge being incurred on your credit card.

Upon completion of the filing transaction, the Clerk's Office will open the case and the filing attorney will receive a Notice of Electronic Filing (NEF) confirming the case number and judge assignment. The case number received in this NEF will be the official case number for the case and must be used on all further filings in the case.

For assistance, please contact Chief Deputy Clerk Porfi Stokes at 228-563-1700.