

## F.R.Civ.P. 79. Records Kept by the Clerk

### LRCiv 79.1

#### CUSTODY AND DISPOSITION OF NON-ELECTRONICALLY SUBMITTED EXHIBITS, ADMINISTRATIVE RECORDS, AND SEALED DOCUMENTS

(a) ~~Retained~~ Retention by Party or Attorney. All non-electronically submitted exhibits offered by any party in civil or criminal proceedings, whether or not received as evidence, shall be retained after trial by the party or attorney offering the exhibits until time for appeal expires or the mandate on appeal issues, unless otherwise ordered by the Court. All non-electronically submitted administrative records offered by any party, whether or not received into evidence, in Social Security cases and other cases reviewed under the Administrative Procedure Act will be returned to ~~counsel~~ the party or attorney when the time for appeal expires or the mandate on appeal issues ~~at the conclusion of the action, including any appeal~~, unless otherwise ordered by the Court.

(b) ~~Transmitted~~ Transmission on Appeal. If requested by the Court of Appeals, each party or attorney is responsible for transmitting non-electronic exhibits to the appellate court as part of the record on appeal. ~~In the event an appeal is prosecuted by any party, each party to the appeal shall promptly file with the Clerk any non-electronically submitted exhibits to be transmitted to the appellate court as part of the record on appeal. Those exhibits not transmitted as part of the record on appeal shall be retained by the parties who shall make them available for use by the appellate court upon request.~~

(c) **Notice to Remove Non-electronically Submitted Exhibits and Administrative Records.** Upon thirty (30) days' notice, ~~If any party, having received notice from the Clerk concerning the removal of non-electronically submitted exhibits or administrative records, fails to do so within thirty (30) days from the date of such notice,~~ the Clerk may destroy or otherwise dispose of ~~those~~ any non-electronically submitted exhibits or administrative records when the time for appeal expires or the mandate on appeal issues, unless otherwise ordered by the Court.

(d) **Sealed Documents – Search Warrants, Orders on Pen Registers, Orders on Trap and Trace Devices, and Mobile Tracking Device Warrants.** Unless otherwise

ordered by the Court, any search warrant, order on pen register, order on trap and trace device, or mobile tracking device warrant ordered sealed by a magistrate judge in a criminal matter on or after December 1, 2014, will be unsealed 180 days after the file date of the search warrant or the expiration date of the pen/trap order or tracking warrant. At least 60 days before the expiration of the sealing order, the Clerk of Court must notify the Criminal Chief at the Office of the United States Attorney, or designee, of the date when the documents will be unsealed. Before the expiration of the sealing order, the government may move the court to extend the sealing order. A motion to extend a sealing order may be filed ex parte. Documents that have been unsealed may be destroyed when eligible under the Records Disposition Schedule in the *Guide to Judiciary Policy*.

## LRCiv 77.2

### ORDERS AND JUDGMENTS GRANTABLE OF COURSE BY THE CLERK

(a) **Authority.** The Clerk or any deputy authorized by the Court under standing order is authorized to sign and enter any order permitted to be signed by a Clerk under the Federal Rules of Civil Procedure, and particularly the following orders, without further direction by the Court:

(1) Orders specially appointing persons to serve process under the Federal Rules of Civil Procedure.

(2) Orders on stipulation of all counsel, approved in writing by the client being represented, for the substitution of attorneys.

(3) Orders ~~withdrawing regarding~~ exhibits and the administrative record under Rule 79.1, Local Rules of Civil Procedure.

(4) Orders in stipulation noting satisfaction of an order for the payment of money, or withdrawing stipulations, or annulling bonds, or exonerating sureties, or setting aside a default.

(5) Entering judgments or verdicts or decisions of the Court in circumstances authorized in Rule 58, Federal Rules of Civil Procedure; entering judgments by default in the circumstances authorized in Rule 55(b)(1), Federal Rules of Civil Procedure; and entering judgments pursuant to offers of judgment and acceptances thereof in the circumstances authorized in Rule 68, Federal Rules of Civil Procedure.

(6) Any other order which, under Rule 77(c) of the Federal Rules of Civil Procedure, does not require special direction by the Court.

(7) Orders authorizing the filing, without payment of fees, of prisoner civil complaints and habeas corpus petitions providing the affidavit *in forma pauperis* of the complainant or petitioner conforms to the requirements of Local Rules of Civil Procedure Rules 3.4(a) or 3.5(b) as appropriate.

(b) **Suspension, Altered, or Rescinded by the Court.** Any order so entered may be suspended, altered, or rescinded by the Court for cause shown, upon such terms and within such time limits as may be established by any applicable rule or procedure.

(c) **Attachment and Garnishment.** The Clerk may issue a writ of attachment and garnishment in the circumstances and in the manner provided by the laws of the State of Arizona.