



UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

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**SEALING CHECKLIST**

**TO:** All AUSAs in the District of South Carolina

**RE:** Requirements for Sealing Submissions for Warrants or Orders  
**Required by Magistrate Judges Gossett, Baker, and Cherry**

**DATE:** July 20, 2020

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To expedite review of your submission for probable cause, please use the following checklist to make sure the documents in your packet are in the format required by the above-referenced judge(s).

**SEALING:**

- Motion to seal seeks sealing only of the affidavit and attachments (and the return, if necessary). You cannot seal everything.
- Motion to seal and proposed order seals are only for a specific period of time (generally one year), unless extended for good cause shown. You cannot seal it indefinitely.
- Proposed order to seal contains all the specific findings required by the Fourth Circuit. E.g., public interest outweighed by Government’s compelling interest; sealing is narrowly tailored; and other less restrictive measures like redaction have been considered and are not feasible. See, e.g., Media General Operations, Inc. v. Buchanan, 417 F.3d 424 (4th Cir. 2005); Baltimore Sun v. Goetz, 886 F.2d 60 (4th Cir. 1989); In re Application of the U.S. for an Order Pursuant to 18 U.S.C. § 2703(d), 707 F.3d 283 (4th Cir. 2013).
- Captions of all documents not subject to sealing (e.g., motion to seal, order to seal, AO Forms for Application and Warrant) are generic enough not to compromise the investigation but are sufficiently particular to comply with the Fourth Amendment. E.g.: Target Telephone/Facebook Account/Residence/Vehicle “**as particularly described in Attachment A to the Affidavit of Special Agent/TFO/Inspector \_\_\_\_\_ dated \_\_\_\_\_.**”

- Attachment A to the law enforcement officer's affidavit should be labeled:

**Attachment A to Affidavit of Special Agent/TFO/Inspector \_\_\_\_\_**  
**dated \_\_\_\_\_**  
**(filed under seal)**

NOTE: The generic caption should expressly reference Attachment A with the particular property description so that Attachment A can be provided to the person upon whom the warrant is being served and that person can see that his/her property is the subject of the warrant. But Attachment A will still be *sealed to the public*.

- Alternative to redact: Alternatively, you may submit the forms and proposed motion and order to seal with specific captions and submit a second set redacting the sensitive information for public filing. If you opt for redaction, you will need to revise the motion and proposed order to seal accordingly.