

**FILED**

**AUG 28 2009**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
09-SO-2

DENNIS P. JAVARONE, CLERK  
US DISTRICT COURT, EDNC  
BY                      DEP CLK

IN RE:	)	
	)	
SEALING OF PLEA	)	STANDING ORDER
AGREEMENTS AND SUBSTANTIAL	)	OF THE COURT
ASSISTANCE MOTIONS	)	

As to all plea agreements in criminal cases filed after the date of this Order, the Clerk of this Court is directed to file said plea agreements in such a manner that there is no remote electronic public access to plea agreements. Court personnel, including the United States Probation Office, and attorneys of record in the case in which the plea agreement was filed may still have electronic access to filed plea agreements. The public, including members of the news media, may have access to filed plea agreements at the public terminal in the clerk's office, subject to existing rules regarding these access methods.

Motions filed by the United States regarding the substantial assistance of a defendant, whether pursuant to United States Sentencing Guidelines § 5K1.1, 18 U.S.C. § 3553(e), or Fed. R. Crim. P. 35(b), shall be filed under seal by the clerk, without necessity of a separate motion and order to seal. Copies may be provided to the Office of the United States Attorney and to the defendant whose assistance is the subject of the motion, and to that defendant's counsel.

If the Office of the United States Attorney for this district determines that disclosure of a substantial assistance motion sealed by operation of this order is necessary to fulfill case-related disclosure obligations under the U.S. Constitution, or applicable statutes and court rules, that office may provide copies of such motion to counsel for defendants who are deemed entitled to such disclosure, without seeking a court order.

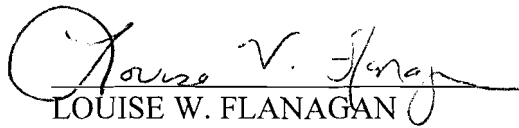
Likewise, if the defendant whose assistance is the subject of the motion, or that defendant's

counsel, determines that disclosure of such motion is necessary to protect that defendant's legal interests or safety, then the defendant or the defendant's counsel may disclose copies of the motion to the extent necessary to protect those interests, without seeking a court order.

If an attorney, who has filed a Notice of Appearance in a criminal case in this Court, files a signed Certification on a form provided by the Clerk stating that there is a case-related need to receive and review a copy of any document sealed by operation of this Standing Order, then the Clerk shall make that document available to the certifying attorney for use in the attorney's criminal case, without necessity of a court order. The Certification shall include the name and number of the case in which the attorney has filed a Notice of Appearance and it shall include a statement that there is a case-related need to receive and review a copy of a document sealed by operation of this Standing Order. The Clerk shall file the Certification in the file of the case from which the document is sought.

Upon the expiration of two years from the date of the filing of the order or other resolution of the substantial assistance motion sealed by operation of this standing order, such motion and order shall be unsealed, unless the presiding judge in the case extends the sealing order.

SO ORDERED, this 27<sup>th</sup> day of August, 2009.

  
LOUISE W. FLANAGAN  
Chief United States District Judge