

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
GENERAL ORDER 23-0045**

The full Court met in executive session on September 28, 2023, and approved proposed amendments to Local Criminal Rule 41 – Search Warrants. The proposed amendments were published with comments due on December 4, 2023. No public comments were received.

At its meeting on December 5, 2023, the Rules Advisory Committee reviewed the proposed rule and submitted its report endorsing the amendments to the Court’s Rules Committee.

The Rules Committee considered the proposed amendments and the report of the Rules Advisory Committee at its meeting on December 14, 2023. The Rules Committee approved the recommendations from the Rules Advisory Committee and recommended that the full Court adopt Local Criminal Rule 41 as proposed.

The full Court considered the recommendation of the Rules Committee at its meeting on December 21, 2023, and agreed to adopt Local Criminal Rule 41 as proposed.

By direction of the full Court,

IT IS HEREBY ORDERED that Local Criminal Rule 41 be implemented as published by the Rules Committee as attached (additions shown thus, deletions shown ~~thus~~). The Rule is effective immediately, pending the approval of the Seventh Circuit Judicial Council.

ENTER:

FOR THE COURT



Hon. Rebecca R. Pallmeyer, Chief Judge

Dated at Chicago, Illinois this 28th day of December 2023

LCR 41 Search Warrants

(a) Submission of warrant applications. Except for matters that are reserved for the Chief Judge (for example, in LCR 50.2 (2) and LCR 6.1) and as provided in (b), applications for search warrants or seizure warrants must be submitted to the duty magistrate judge.

(b) A district judge may issue a standing order that search warrants or seizure warrants related to a case assigned to that judge must be brought to that judge.

(c) Assignment of case numbers. When an application for a search warrant or seizure warrant is approved and the warrant is signed by the duty magistrate judge, the application and warrant will be given a Miscellaneous (M) case number and be assigned to the magistrate judge who signed the warrant except where the United States Attorney identifies the warrant as related to a criminal case that has been assigned a CR number. In such circumstances, the CR number associated with that case will be assigned to the application and warrant, and the application and warrant will be filed in that case. When a search warrant or seizure warrant is signed by a district judge as provided in (b), the application and warrant will be given the CR number of the case before the district judge and docketed in that case.

(d) Motions to Seal. This rule, rather than LR 26.2, governs a motion to seal a search warrant or seizure warrant. A motion to seal a warrant must be brought to the district judge or magistrate judge who signed the warrant and must specify a date no more than 180 days later when the sealing order will expire absent a further court order. Any application for delayed notice of a search must comply with 18 U.S.C. §3103. All filings will be unsealed upon the expiration of the sealing order.

(e) A Motion to Extend a Sealing Order.

(1) Any motion to extend an order sealing a warrant or to extend delayed notice must be brought to the district judge or magistrate judge who signed the warrant. If a motion is brought at a time when that judge is unavailable, the motion shall be heard by the duty magistrate judge.

(2) The motion must be filed no later than three days prior to the expiration of the seal or delayed notice to allow adequate time for the review of the motion. The motion shall be filed electronically, and a draft order must be submitted to the assigned judge's proposed order email box.

(f) Search Warrant Returns. The return of the search warrant must be made in accordance with the Federal Rules of Criminal Procedure. In addition to that requirement, the United States Attorney's Office must also electronically file a copy of the return including the inventory of property seized into the court's Electronic Case Filing System. If the application and warrant are sealed at the time of the return of the search warrant, the return of the search warrant will also be filed under seal. The return of the search warrant, along with a copy of the warrant, must be filed within 60 days after the execution of the warrant.

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