

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

PROPOSAL TO AMEND LOCAL CRIMINAL RULE 41

On September 28, 2023, the full Court approved a proposal to amend Local Criminal Rule 41 *Search Warrants* as attached (additions shown thus, and deletions shown ~~thus~~):

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COMMENT: By direction of the full Court and pursuant to 28 U.S.C. §2071(e) regarding appropriate public notice and opportunity for comment, the Clerk is directed to: (a) cause notice of the proposal to amend the Local Criminal Rule 41 to be published in the *Chicago Daily Law Bulletin*, (b) cause notice of the proposal and requests for comment to be posted on the web site for the United States District Court Northern District of Illinois, (c) cause notice of the proposal to be posted in the Courthouses at Chicago and Rockford, (d) indicate in such notice a final date for receipt of comments, which date shall be sixty days from the first date of publication in the *Law Bulletin*, (e) collect and distribute among the members of the Advisory Committee for Local Rules all comments received, and (f) following receipt of a copy of the report and recommendation of the Advisory Committee, distribute copies of the comments together with copies of the report and recommendation among the members of the Court for consideration at a regular meeting of the full Court.

ENTER:
FOR THE COURT



Hon Rebecca R. Pallmeyer, Chief Judge

Dated at Chicago, Illinois this 3rd day of October 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.

Amended 06/27/16, 06/29/23

REDLINED VERSION

LCR 41 Search Warrants

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Amended 06/27/16, 06/29/23, ~~xxxxxxx~~