

LOCAL RULE 5005-4: ELECTRONIC FILING

- a. **Record of the Court.** All pending, reopened, and newly filed cases and proceedings in the Court shall be assigned to the Case Management/Electronic Case Filing system (CM/ECF). The docket of the cases and proceedings shall be available electronically. The electronic record is the official record of this Court. The Court's electronic records are available for public access (view only) at pacer.uscourts.gov. Except as provided, all documents, including proofs of claim, shall be electronically submitted by utilizing the CM/ECF system or the Court's [electronic claims interface](#).¹
- b. **CM/ECF Participants.** Attorneys and certain parties may become registered CM/ECF Participants. Information about registration is available on the [Courts website](#). CM/ECF Participants must update all information submitted with the registration through www.pacer.gov in a timely fashion, including primary and alternate email addresses. Electronic notices returned to the Court may not be re-transmitted and may result in the discontinued use of the associated email address. CM/ECF generated email is sent by scb_ecf_nef@scb.uscourts.gov. Participants should not reply to CM/ECF email from this address. Participants must ensure the domain name "@scb.uscourts.gov" is added to their email address book to avoid problems with the receipt of email from the Court. A participant's account shall be used only by the participant or an authorized agent under the direction and supervision of the participant. Participants filings documents are responsible for ensuring documents are correctly filed under the applicable CM/ECF event, bear the correct case and/or proceeding numbers, and are readable and accessible. When filing a document, participants shall ensure the document is appropriately titled, linked, and docketed to properly identify the content of the document and that the event and document are docketed in the correct case for proper notice (and service, when applicable) to be provided. Failure to do so may require the re-filing of the document and the cancellation of any hearing associated therewith, denial of any requested relief, or the document may be stricken from the record. Any participant who fails to correctly file a document, files a document using an incorrect case and/or proceeding number, files an unreadable or inaccessible document image, or files a document in an incorrect case or proceeding shall have an affirmative duty to immediately file appropriate motions for the Court to consider and remedy issues resulting therefrom. A participant's privileges, login, and password may be terminated, disabled, or revoked following notification of disbarment or suspension of a participant who is an attorney or any order of this Court so directing. A participant may deactivate a CM/ECF account through www.pacer.gov. Prior to deactivating an account, the participant shall determine that the requirements of any rule governing the participant's duty to represent the client have been satisfied.
- c. **Registered CM/ECF Participants and Represented Parties.**
 1. **CM/ECF Unavailable.**
 - A. **Normal Hours.** If CM/ECF cannot be accessed during regular business hours of the Clerk's Office, the filer shall contact the CM/ECF Help Desk at the Clerk's Office to confirm that CM/ECF is not accessible and make suitable arrangements with the Clerk of Court for the filing to occur.
 - B. **After Hours.** If CM/ECF cannot be accessed after regular business hours of the Clerk's Office, and **only** if the filing is time-sensitive and will be made untimely as the result of a technological failure of CM/ECF, the filer shall electronically file the document by uploading to the Court's [Electronic Documents Submission System](#) ("EDSS").

¹ Information about claim filing and the interface to file a claim or related document is available at <http://www.scb.uscourts.gov/electronic-filing-claims>.

2. **CM/ECF Available.** If the filer is unable to file electronically through CM/ECF a time-sensitive document notwithstanding the general availability of CM/ECF,² filing may be made by delivering the paper document to the Clerk of Court in Columbia during normal business hours or by uploading the document to [EDSS](#).
 3. **Certification of Inability to File Electronically.** Any document submitted under paragraphs (c)(1) or (2) shall be accompanied by a certification setting forth in detail the reasons for the filer's failure to submit the documents through CM/ECF, the time-sensitive nature of the filing, and a request to receive the documents in the manner submitted.
 4. **Determination of Filing.** The Clerk's Office shall immediately submit the documents received pursuant to paragraphs (c)(1)-(3) to the judge assigned to the case for consideration, with or without hearing, and to determine whether to allow the filing or an extension to file. The Court may strike the pleading, deny relief, and require electronic filing if the submission is found to be an abuse of the Court's exceptions to electronic filing through CM/ECF or the electronic claims interface.
- d. **Pro Se Individuals.** Individuals without legal representation (*pro se* individuals) may effect filings according to the following procedures. This rule applies only to individuals representing themselves, and does not include corporations, partnerships, LLCs or other similar business entities.³
1. **Paper Filings.** Documents for filing with the Court may be delivered to the Clerk of Court at 1100 Laurel Street, Columbia, South Carolina 29201. Documents are not accepted at the Court's Charleston or Greenville locations. If the submission is a petition for bankruptcy relief and accompanying documents, it must be submitted with a copy of a government-issued photo identification of the *pro se* individual that includes name and address. Unless otherwise provided herein, documents received will be processed after receipt during normal business hours on Court business days. If the Court is unable to open to the public or operate during normal business hours, *pro se* individuals may utilize a "drop box" when available, at the Columbia location of the Clerk's Office. Access hours are 8:30 a.m. to 4:30 p.m. on business days. With each submission, the *pro se* individual shall note the current time and date on the envelope, document, or payment and call (803)765-5436 to alert the Clerk's Office that the document or payment was placed in the drop box. The Clerk's Office shall check for any items in the drop box at least once per business day. If a *pro se* individual asserts an item placed in the drop box is urgent, a prompt call to the Clerk's Office will facilitate retrieval or other guidance. Each submission shall be deemed filed or received at the time noted (if available), unless otherwise ordered by judicial determination. If no notation is available, the submission shall be deemed filed or received upon retrieval.
 2. **Electronic Bankruptcy Petitions.** *Pro se* individuals may submit a petition for bankruptcy relief electronically by utilizing the [Electronic Self-Representation System](#) ("eSR").⁴
 - A. To complete the submission of a petition through [eSR](#), the *pro se* individual shall, within three (3) days of submittal, deliver to the Clerk of Court in Columbia by uploading to the [Electronic Document Submission System](#) ("EDSS"), hand delivery, U.S. mail, or overnight carrier a:
 - i. completed and signed copy of the *pro se* individual's [Declaration Regarding Electronic Filing](#);

² If the inability to electronically file is expected to persist, due to natural disaster or other reasons beyond the control of the filer, the request for an alternative means of filing may govern multiple cases if requested and approved by the applicable judge of the United States Bankruptcy Court.

³ See [SC LBR 9011-2](#). For filings not covered by this Rule, see [9011-4](#).

⁴ Documents submitted through eSR are limited to the voluntary petition, schedules, and statements (Official Forms B101, B106A/B – 106J, B107, B108, B122A-1, B122A-1Supp, B122A-2, B122C-1, and B122C-2).

- ii. completed and signed Statement About Your Social Security Numbers ([Official Form B121](#)); and
 - iii. copy of a government-issued photo identification of the *pro se* individual that includes name and address⁵
- B. Each petition electronically submitted through [eSR](#) shall be deemed filed at the time of receipt by the Clerk’s Office of all documents required under paragraphs (d)(2)(A)(i) – (iii), unless otherwise ordered by judicial determination.
- C. The Court reserves the right to refuse or return any electronic filing that does not comply with applicable procedures.
3. **Other Electronic Filings.** *Pro se* individuals may file documents, other than petitions for bankruptcy relief, electronically by uploading PDF files to the [EDSS](#).⁶ Each electronic filing shall be signed with the original handwritten signature of the filer.⁷ Each electronic filing shall be deemed filed at the time of upload to the EDSS, unless otherwise ordered by judicial determination. The Court reserves the right to refuse or return any electronic filing that does not comply with applicable procedures. All parties appearing before the Court must comply with applicable rules of service. Filing a document by uploading to the EDSS does not constitute service of that document.
4. **Effect of Non-Compliance.** Should a *pro se* individual fail to comply with applicable procedures, appropriate action may be taken without further notice, including, but not limited to, restricting electronic filing privileges, denying the relief requested and dismissing and closing any case initiated.

Notes:

(2022) Paragraph (b) was amended to incorporate provisions of former Operating Order 21-02 and paragraph (d) was added to incorporate provisions of former Operating Order 22-02.

(2023) Paragraph (c) was amended to update procedures for CM/ECF participants to electronically file time-sensitive documents when CM/ECF is unavailable to the filer. Paragraph (d) was amended to adopt new mechanisms for electronic filing by *pro se* filers to replace the former *pro se* email address maintained by the Clerk’s Office.

(2024) Paragraph (4) was amended to add restriction of electronic filing privileges as a possible consequence for non-compliance.

⁵ Filing is not effective until the Court receives all of these documents. *Pro se* individuals shall not electronically sign the Declaration Regarding Electronic Filing or Statement About Your Social Security Numbers (Official Form B121). *See* SC LBR 9011-4.

⁶ Petitions for bankruptcy relief (Official Form B101) must be submitted through eSR pursuant to paragraph (d)(2). Petitions uploaded to the EDSS will not be accepted for filing to open bankruptcy case.

⁷ *Pro se* individuals shall not electronically sign documents. *See* SC LBR 9011-4.