

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**3:20-MC-25**

**STANDING ORDER GOVERNING THE FILING OF  
PSYCHOLOGICAL/PSYCHIATRIC DOCUMENTS IN CRIMINAL CASES**

This Court's official case files are readily available to the public through the federal judiciary's Public Access to Court Electronic Records ("PACER") system. Although the Judicial Conference Policy on Privacy and Public Access to Electronic Criminal Case Files provides that public access should not be provided to sealed documents, it has come to the Court's attention that filings concerning psychological/psychiatric evaluations and related documents have not always been accompanied by a motion to seal.<sup>1</sup> When that occurs, the filings which ultimately trigger a psychological/psychiatric report become public documents upon their filing.

In the event a defendant is later determined to have some mental disease or defect affecting his or her ability to assist counsel in decisions regarding his or her defense, the Court is concerned that the defendant is unable to consent to such information being readily available to the public through PACER. At the same time, the Court desires to clarify its current procedures for the filing of psychological/psychiatric reports. For these reasons, the Court concludes it is in the best interest of balancing the public's access to court filings and defendants' reasonable expectations in protecting from public disclosure their personal mental health information that the Court specify how such filings will be docketed.

Effective immediately, in all criminal cases in which documents are filed regarding a defendant's mental health—motions, responses, orders, and psychological/psychiatric reports—access to such filed documents will be RESTRICTED to only counsel of record for that defendant, the prosecuting attorney, and the Court. The public docket will show the filings made but when others attempt to view any such document, the message "You do not have permission to view this document" will appear. All other documents parties wish to file under seal or restriction must comply with the Court's Local Rules and Administrative Procedures. This standing order supersedes all prior orders on this subject.

**SO ORDERED**, this 18th day of May, 2022.



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**DEBRA M. BROWN  
CHIEF DISTRICT JUDGE**

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<sup>1</sup> Historically, a psychiatric/psychological report received from the examiner has been filed under seal in this district, with copies of the report distributed manually to the attorneys of record in the case, meaning the report has not been truly sealed but rather has been restricted.