

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PROCEDURES FOR THE FILING,)	
UNSEALING, AND MANAGEMENT OF)	
PROBATION AND SUPERVISED)	ADMINISTRATIVE ORDER 2024-<u>04</u>
RELEASE VIOLATION DOCUMENTS IN)	
CASES WHERE AN ARREST WARRANT)	Misc. No. 2:24-mc-10001
OR SUMMONS IS ISSUED UNDER SEAL)	
)	

**ORDER OF COURT REGARDING PROCEDURES FOR THE FILING,
UNSEALING, AND MANAGEMENT OF PROBATION AND SUPERVISED
RELEASE VIOLATION DOCUMENTS IN CASES WHERE AN ARREST
WARRANT OR SUMMONS IS ISSUED UNDER SEAL**

WHEREAS the United States Probation & Pretrial Services Office for the Western District of Pennsylvania (the “Probation Office”) recommends the revocation of probation or supervised release by filing a Form Probation 12C, which is entitled “Petition for Warrant or Summons for Person Under Supervision” or “Supplemental Petition for Warrant or Summons for Person Under Supervision” (the “Petition”);

WHEREAS the Petition and documents relating to the Petition, such as the violation worksheet (collectively the “USPO Revocation Documents”), are filed under seal by the Probation Office in order to promote the safety of probation officers and law enforcement personnel in the event that the Court issues an arrest warrant in connection with the Petition;

WHEREAS the Court issues an Order on the Petition, which Order sets forth: i) the action that will be taken on the Petition, if any, ii) whether the Order on the Petition will be filed under seal, and iii) whether the USPO Revocation Documents will remain under seal when the Order is filed;

WHEREAS, if the Court’s Order on the Petition is for the issuance of an arrest warrant or a summons and the Order is filed under seal, then the USPO Revocation Documents will remain under seal until the arrest warrant or summons has been executed (the “Sealed Revocation Documents”); and

WHEREAS all Sealed Revocation Documents must be unsealed and made available to all counsel before the Court conducts any hearing related to the Petition.

IT IS HEREBY ORDERED that, effective the date of this Order and until such time as the Court orders otherwise, when the Court, via a judicial officer, enters a Sealed Order on a Petition that includes issuance of an arrest warrant or a summons, the following procedures apply:

1. As soon as is practical after the Court issues the Sealed Order on a Petition, but before the arrest warrant or summons is executed, the Probation Office will provide a copy of all Sealed Revocation Documents to the United States Attorney's Office for the Western District of Pennsylvania ("USAO") via electronic mail or otherwise so that preparation for proceedings related to the Petition may begin. The Probation Office will include the following statement each time that any Sealed Revocation Documents are provided to the USAO:

"The attached documents are transmitted for the sole purpose of allowing the USAO to begin preparing for revocation proceedings related to the attached Petition or a Petition previously sent to your office. These documents are presently filed under seal and will not be unsealed until the arrest warrant has been executed, the summons has been served, or further Order of Court, whichever is applicable to this case. While sealed, the attached documents cannot be used for any purpose other than preparing for anticipated proceedings related to the Petition. While sealed, the documents cannot be disclosed to any other individual or entity for any other reason. Local Criminal Rule 49E does not apply to the attached documents. The Court will unseal these documents after receiving notice that the arrest warrant has been executed, the summons has been served, or further Order of Court, whichever is applicable to this case."

2. Once the Court receives notice that a sealed arrest warrant or summons has been executed, as soon as is practicable and prior to any initial appearance by the defendant on the Petition, the Court will unseal any Sealed Revocation Documents that were previously provided to the USAO pursuant to paragraph 1 of this Order and issue a notice to all counsel of record, the Probation Office, the Federal Public Defender's Office, and the USAO that the Sealed Revocation Documents have been unsealed.
3. The Sealed Revocation Documents will be disclosed to the USAO before they are provided to defense counsel, therefore, judicial officers should be prepared to consider granting motions to continue hearings and other proceedings related to the Petition when in the interests of justice or otherwise necessary to provide defense counsel adequate time to prepare for the involved proceeding or hearing; and

IT IS FURTHER ORDERED that if the Court's Order on the Petition is filed under seal, but no warrant or summons is issued, the procedures set forth immediately above do not apply.

Dated: April 29, 2024

FOR THE COURT,

s/ Mark R. Hornak

Mark R. Hornak
Chief United States District Judge