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"It's Not Just A Good Idea—It's The Law!"

February 4, 2009

Pamela E. Robinson, Clerk of the Court
United States District Court for the Central District of Illinois
218 U.S. Courthouse
201 S. Vine Street
Urbana IL 61802

VIA TELEFACSIMILE TO 1-217-373-5834 (8 PAGES)

Dear Ms. Robinson:

I am writing in regards to my December 19, 2008 letter to you as well as the October 3, 2008 and October 24, 2008 letters to the Administrative Office of the Courts regarding numerous privacy violations found in the PACER system maintained by the United States District Court for the Central District of Illinois.

It was disappointing that you have not acknowledged my letter, nor taken any steps to notify attorneys or otherwise correct the violations of the rules set in place by the Judicial Conference to govern the actions of not only lawyers practicing before the courts, but the courts themselves. Other federal courts, including the Court of Federal Claims, the District Court for the District of Columbia, and the District Court for the District of Massachusetts all took prompt steps to correct these violations. A letter from the Honorable Royce C. Lamberth, Chief Judge of the District Court for the District of Columbia is attached for your information.

You will find attached 5 documents from the very long list we provided you earlier. Each of these sentencing orders were filed in 2008, long after the rules were promulgated. Each of these sentencing orders is signed by a judge. The clerk's office took the time to redact the signature of the judge, but either failed to redact or improperly redacted the Social Security number and date of birth of the defendants which was only 1.25 inches away!

It is hard to understand how you would redact the signature of a judge and literally not lift a finger to protect the defendant. It is even more inconceivable that after repeated notifications of this situation, you refuse to take action.

While I am not an attorney, and certainly not a judge, I am concerned that this deliberate refusal to carry out the rules promulgated by the Judicial Conference will potentially jeopardize the judicial immunity of not only you but your fellow courtroom workers. See, e.g., *Antoine v. Byers & Anderson*, 113 S. Ct. 2167, 2171-72 (1993) (court reporter was not absolutely immune from damages liability for failing to

produce transcript of federal criminal trial; tasks performed by court reporter were not discretionary and were not functionally comparable to that of judge); *Henriksen v. Bentley*, 644 F. 2d 852, 856 (10th Cir. 1981) (clerks entitled only to qualified immunity when exercising ministerial and nondiscretionary duty to file court papers). See also *Snyder v. Owen*, 380 F.3d 279 (7th Cir. 2004) (clerk charged with breaching duty to perform ministerial act of accepting technically sufficient papers rather than carrying out judicial function involving the exercise of discretion).

As outlined in our December 19, 2008 letter to you, we have begun to directly notify attorneys, named parties, and your local media of the specific privacy violations and have provided them with your contact information to correct the situation. However, in the case of the sentencing orders enclosed, these actions were performed by the court, and I believe it is incumbent on you to promptly correct these mistakes.

Respectfully yours,

Carl Malamud
President & CEO
Public.Resource.Org

United States District Court
for the District of Columbia
Washington, DC 20001

Chambers of
Chief Judge
Royce C. Lamberth
United States District Judge

January 28, 2009

Mr. Carl Malamud
President & CEO
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Mr. Malamud,

This is in response to the your December 30, 2008 letter regarding the audit your organization conducted of our Court's database. Our Clerk's Office confirmed that the documents you cited included social security numbers that should have been redacted by counsel prior to filing. Those documents are no longer available for public viewing. Counsel for the parties have been notified to file redacted documents that are in compliance with the E-Government Act.

Thank you for bringing this to our attention. We appreciate your interest in our Court.

Sincerely,



Royce C. Lamberth
Chief Judge

UNITED STATES DISTRICT COURT

Central

District of

Illinois

UNITED STATES OF AMERICA
V.
[redacted]

**JUDGMENT IN A CRIMINAL CASE
(For a Petty Offense)**

CASE NUMBER: [redacted]

USM NUMBER: [redacted]

Hugh F. Toner

Defendant's Attorney

FILED
MAR 31 2008
PAMELA E. ROBINSON, CLERK
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

THE DEFENDANT:

THE DEFENDANT pleaded guilty nolo contendere to count(s) 1
 THE DEFENDANT was found guilty on count(s) _____

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC §657	Misapplication of Credit Union Funds	12/31/2006	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment.

THE DEFENDANT was found not guilty on count(s) _____
 Count(s) _____ is are dismissed on the motion of the United States.

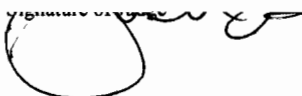
It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: [redacted]

Defendant's Date of Birth: [redacted]

3/31/2008
Date of Imposition of Judgment
s/ John A. Gorman

Defendant's Residence Address:



John A. Gorman US Magistrate
Name of Judge Title of Judge

3-31-08
Date

Defendant's Mailing Address:

[redacted] IL 61554

UNITED STATES DISTRICT COURT

Central District of Illinois

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE
(For Revocation of Probation or Supervised Release)

██████████ FILED

APR 30 2008

Case Number: ██████████

USM Number: ██████████

John D. McFetridge

Defendant's Attorney

CLERK OF THE COURT
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
URBANA, ILLINOIS

THE DEFENDANT:

admitted guilt to violation of condition(s) mandatory and special conds. of the term of supervision.

was found in violation of condition(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1.	Law Violation - Possession of a Controlled Substance	12/7/2007
2.	Failure to Participate in Substance Abuse Treatment as Directed	12/20/2007

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: ██████████

Defendant's Date of Birth: ██████████

Defendant's Residence Address:
██████████

4/28/2008

Date of Imposition of Judgment

s/ Michael P. McCuskey

Signature of Judge

MICHAEL P. McCUSKEY

Name of Judge

Chief U.S. District Judge

Title of Judge

Date

4/30/08

Defendant's Mailing Address:

In custody

UNITED STATES DISTRICT COURT

Central

District of

Illinois

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE
(For **Revocation** of Probation or Supervised Release)

[Redacted]

Case Number: [Redacted]

USM Number:

Robert J. Scherschligt

Defendant's Attorney

THE DEFENDANT:

admitted guilt to violation of condition(s) MC,2,3,5,6,SC of the term of supervision.

was found in violation of condition(s) Mc,2, SC1 after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1A	Possession of Cannabis	10/29/2007
1B	Possession of Cannabis	11/5/2007
1C	Possession of Cannabis	11/13/2007
1D	Possession of Cocaine	11/29/2007

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has not violated condition(s) 3,4,5,6C,and 6D and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: [Redacted]

3/24/2008
Date of Imposition of Judgment

Defendant's Date of Birth: [Redacted]

s/Jeanne E. Scott
Signature of Judge

Defendant's Residence Address:

Sangamon County Jail
1 Sheriff's Plaza
Springfield, IL 62705

JEANNE E. SCOTT US District Judge
Name of Judge Title of Judge

3/25/2008
Date

Defendant's Mailing Address:

Same as above.

UNITED STATES DISTRICT COURT

Central

District of

Illinois

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE
(For **Revocation** of Probation or Supervised Release)

[Redacted]

Case Number: [Redacted]

USM Number: [Redacted]

Robert Scherschligt

Defendant's Attorney

THE DEFENDANT:

admitted guilt to violation of condition(s) MC, 2, SC2 of the term of supervision.

was found in violation of condition(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1	Possession of Cocaine	1/25/2008
2	Failure to Report to USPO Within 72 Hours of Release from BOP	10/9/2007
3	Failure to Pay Restitution Monthly	12/31/2007
4A	Failure to Report For Scheduled Office Appointments	11/7/2007

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: [Redacted]

3/10/2008
Date of Imposition of Judgment

Defendant's Date of Birth: [Redacted]

s/Jeanne E. Scott
Signature of Judge

Defendant's Residence Address:

[Redacted]

JEANNE E. SCOTT, US District Judge
Name of Judge Title of Judge

3/14/2008
Date

Defendant's Mailing Address:

Same as above.

UNITED STATES DISTRICT COURT

Central

District of

Illinois

UNITED STATES OF AMERICA
V.

[Redacted]

JUDGMENT IN A CRIMINAL CASE
(For Revocation of Probation or Supervised Release)

FILED

Case Number: [Redacted]

USM Number: [Redacted]

JUN 17 2008

John C. Taylor
Defendant's Attorney

CLERK OF THE COURT
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
URBANA, ILLINOIS

THE DEFENDANT:

admitted guilty to violation of condition(s) MC of the term of supervision.

was found in violation of condition(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1.	Law Violation - Battery/Bodily Harm	11/9/2007

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: [Redacted]

6/13/2008

Defendant's Date of Birth: [Redacted]

Date of Imposition of Judgment

s/ Michael P. McCuskey

Defendant's Residence Address:

Signature of Judge

In custody

MICHAEL P. McCUSKEY

Chief U.S. District Judge

Name of Judge

Title of Judge

Defendant's Mailing Address:

Date

6/16/08

In custody