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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SHELLY J. IOANE, *et al.*,
Plaintiffs,
v.
JEAN NOLL, *et al.*,
Defendants.

Case No. 1:07-cv-00620-AWI-EPG

ORDER DENYING MOTION TO
PARTICIPATE IN THE CM/ECF SYSTEM

(ECF No. 476)

Plaintiff Michael Ioane filed an *ex parte* motion to participate in the electronic filing system referred to as CM/ECF on November 3, 2016. (ECF No. 476.) That motion is still outstanding. The Court will deny the motion.

Although the motion states that it is filed on behalf of both Michael Ioane and Shelly Ioane, the motion was signed only by Mr. Ioane. Ms. Ioane did not sign the motion and did not otherwise notify the Court that she joined in the motion. Mr. Ioane, who is proceeding *pro se*, cannot represent Ms. Ioane on this motion, who, at the time was also proceeding *pro se*. *See McShane v. United States*, 366 F.2d 286, 288 (9th Cir. 1966) (privilege to appear without counsel is personal to the litigant); *Russell v. United States*, 308 F.2d 78, 79 (9th Cir. 1962) (“A litigant appearing *in propria persona* has no authority to represent anyone other than himself.”). Further, Ms. Ioane is now represented by counsel, and her counsel has access to and

1 participates in the electronic filing system.

2 Further, although Mr. Ioane was previously granted access to the Court's electronic filing
3 system, that access was revoked upon his request that all Court communications be conducted
4 via U.S. mail due to his incarceration at the Taft Correction Institution ("TCI") and resulting
5 lack of access to an adequate email service. (ECF Nos. 178, 181.) Mr. Ioane is still
6 incarcerated at TCI, and was incarcerated at TCI at the time he filed his request to again
7 participate in the electronic filing system. He does not indicate that he now has access to an
8 adequate email service. Instead, he requests that Ms. Ioane be authorized to use the electronic
9 filing system to make his filings and receive service on his behalf. (ECF No. 476.) Ms. Ioane,
10 who did not sign the request and who was, at the time of the request, also proceeding *pro se*,
11 may not represent Mr. Ioane. *See McShane*, 366 F.2d at 288; *Russell*, 308 F.2d at 79.

12 IT IS ORDERED that the *ex parte* request by Michael Ioane to participate in the Court's
13 electronic filing system (ECF No. 476) is DENIED.

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15 IT IS SO ORDERED.

16 Dated: September 23, 2019

17 /s/ Eric P. Gray
18 UNITED STATES MAGISTRATE JUDGE
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