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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO J. GIL,

Plaintiff,

v.

JAMES A. YATES, et al.,

Defendants.

CASE NO. 1:09-cv-00917-GBC PC

ORDER DENYING PLAINTIFF’S MOTION FOR APPROVAL OF AUTHORIZATION OF POWER OF ATTORNEY AND REQUEST TO UTILIZE ELECTRONIC FILING

(Doc. 21)

ORDER STRIKING PLAINTIFF’S NOTICE OF CHANGE OF ADDRESS

(Doc. 22)

THIRTY DAY DEADLINE

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Plaintiff Francisco Gil (“Plaintiff”) is a former state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff’s Motion for Approval of Authorization of a Power of Attorney and request to file documents electronically. (Doc. 21.)

Plaintiff asks the Court to allow him to have his mail sent to his brother’s address rather than sent directly to him as he is residing in Mexico. The general rule establishing the right of an individual to represent oneself in all federal courts of the United States is contained in 28 U.S.C. § 1654. It is well established that the privilege to represent oneself pro se provided by § 1654 is personal to the litigant and does not extend to other parties or entities. See McShane v. United States, 366 F.2d 286, 288 (9th Cir. 1966). Thus, the Court must send official correspondence directly to the Plaintiff and cannot allow it to be diverted through another individual absent a compelling reason.

1 The Court notes that Plaintiff alludes to having executed a power of attorney authorizing his  
2 brother to act on his behalf while he was incarcerated. However, there is no such power of attorney  
3 attached to the instant Motion and Plaintiff is advised that his brother cannot prosecute this action  
4 on his behalf. A non-lawyer may not represent anyone but himself or herself in court. Johns v.  
5 County of San Diego, 114 F.3d 874, 877 (9th Cir. 1997); C. E. Pope Equity Trust v. United States,  
6 818 F.2d 696, 697 (9th Cir. 1987). Plaintiff is free to refile his request accompanied by a validly  
7 executed power of attorney and the Court will reconsider whether to allow his brother to receive  
8 Plaintiff's mail.

9 Until such time, however, Plaintiff is obliged to keep the Court apprised of his current  
10 address. See L.R. 182(f). Plaintiff is hereby ordered to provide his current address to the Court not  
11 later than **thirty days from the date of service of this order**. Plaintiff is hereby on notice that  
12 failure to comply with this deadline may result in dismissal of this action for failure to obey a court  
13 order.

14 Plaintiff also asks the Court to allow him to file papers and manage this litigation through  
15 the Court's electronic filing system. The Court does not generally allow pro se litigants to file  
16 documents through the electronic system. See Local Rule 133(a) ("Pro se parties shall file and serve  
17 paper documents as provided in these Rules.") Plaintiff has failed to establish a basis for deviating  
18 from the general practice in this case. Therefore, Plaintiff's request to utilize the Court's electronic  
19 filing system is DENIED.

20 Accordingly it is HEREBY ORDERED that:

- 21 1. Plaintiff's Motion for Approval of Authorization of Power of Attorney, filed  
22 December 30, 2010, is DENIED, without prejudice;
- 23 2. Plaintiff's request to file documents electronically is DENIED
- 24 3. Plaintiff's Notice of Change of Address, filed December 30, 2010, is STRICKEN  
25 from the record;
- 26 4. The Clerk's Office is to correct Plaintiff's address to reflect the prior Notice of  
27 Change of Address filed October 4, 2010;
- 28 5. The Clerk's Office is DIRECTED to:

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(a) Mail a change of address form to Plaintiff at both of the following addresses:

(1) Francisco J. Gil  
Calle 28 No. 430 Entre 89 y 91  
Merida, Yucatan. Mexico C.P. 97174

(2) Francisco J. Gil  
14510 S. Biola Avenue  
La Mirada, California 90638

6. Plaintiff shall file a Notice of Change of Address with his current address within **thirty days of service of this order;**

7. If Plaintiff fails to comply with this order, this action will be dismissed for failure to obey a court order.

IT IS SO ORDERED.

Dated: January 11, 2011

  
UNITED STATES MAGISTRATE JUDGE