

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ZANE HUBBARD,

Plaintiff.

V.

R. GUTIERREZ, et al.,

Defendants.

CASE NO. 1:14-cv-01560-LJO-MJS (PC)

ORDER DENYING WITH PREJUDICE
MOTION CONSTRUED AS REQUEST
FOR RELIEF FROM STANDING ORDER
IN RE: PROCEDURAL RULES FOR
ELECTRONIC SUBMISSION OF
PRISONER LITIGATION FILED BY
PLAINTIFFS INCARCERATED AT
CORCORAN AND PLEASANT VALLEY
STATE PRISONS

(ECF No. 11)

Plaintiff is a state prisoner proceeding pro se in this civil rights action brought pursuant to 28 U.S.C. § 1983. The action was dismissed on December 18, 2014. (ECF No. 9.) On January 23, 2015, Plaintiff filed a sixty-four page motion entitled "Emergency Request for Relief, and Assistance in Filing Two Civil Rights Claims." (ECF No. 11.)

The current motion presents no basis for relief in this action. Fed. R. Civ. P. 60(b)(6); Local Rule 230(j). Instead, it appears that Plaintiff is seeking to avoid compliance with the new rules for e-filing by attempting to file initial documents for a new action in this closed case.

Plaintiff is incarcerated at California State Prison-Corcoran and he is subject to

1 the Standing Order In Re: Procedural Rules for Electronic Submission of Prison
2 Litigation Filed by Plaintiffs Incarcerated at Corcoran and Pleasant Valley State Prisons,
3 filed on October 1, 2014. Pursuant to the Standing Order, which applies to initial filings,
4 (1) new complaints are subject to e-filing and they may not exceed twenty-five pages in
5 length, and (2) motions for emergency relief are subject to e-filing and they may not
6 exceed fifteen pages in length, as Plaintiff correctly was informed by prison staff. (E.g.
7 ECF No. 11 at 5.) To the extent the motion is construed as seeking relief from the
8 Standing Order, it is denied. Furthermore, to the extent Plaintiff is requesting that the
9 Court detach the complaint included with his emergency motion and open a new case,
10 his request is denied. Plaintiff is required to comply with the e-filing procedures set forth
11 in the Standing Order and there exists no legitimate basis for exempting him from
12 compliance.

13 Accordingly, Plaintiff's motion is HEREBY DENIED, with prejudice. Any further
14 filings the Court determines to be frivolous will be summary denied or stricken,
15 whichever is deemed appropriate by the Court. See Neitzke v. Williams, 490 U.S. 319,
16 325 (1989) (frivolous filings lack arguable basis either in law or in fact).
17 IT IS SO ORDERED.

18 Dated: February 3, 2015

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE