# UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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| TONY C. ALTAMIRANO,<br><br>Plaintiff,<br><br>v.<br><br>COMMISSIONER OF SOCIAL SECURITY,<br><br>Defendants. | Case No. 1:15-cv-00458-SAB<br><br>ORDER DENYING PRO HAC VICE APPLICATION<br><br>(ECF No. 4) |

This action was filed in the Sacramento Division of the Eastern District of California on March 19, 2015. On March 21, 2015 attorney Howard Olinsky filed a pro hac vice application. The court has read and considered the application of Howard Olkinsky for admission to practice pro hac vice under the provisions of Local Rule 180(b)(2) of the Local Rules of Practice of the United States District Court for this District.

The Local Rules of the Eastern District of California provide that an attorney is ineligible to appear and participate in a particular case pro hac vice if any of the following apply: "(i) the attorney resides in California, (ii) the attorney is regularly employed in California, or (iii) the attorney is regularly engaged in professional activities in California." L.R. 180(b)(2). Mr. Olinsky's application states that he has not made a pro hac vice application within the year preceding this application to this court. However, Mr. Olinsky has made two prior pro hac vice applications within the preceding year. On April 16, 2014, Mr. Olinsky submitted a pro hac vice application

that was approved in Holland v. Commissioner of Social Security, 2:14-cv-00233-DAD (E.D. Cal.). On April 23, 2014, Mr. Olinsky submitted a pro hac vice application that was granted in Allen v. Commissioner of Social Security, 2:14-cv-00210-AC (E.D. Cal.). Local Rule 180(b)(2)(i) provides that if the attorney has made any other pro hac vice applications, he must provide the title and number of each action in which the application was made, the date of each application, and whether the application was granted. Based upon the misrepresentation in Mr. Olinsky's application and his failure to comply with Local Rule 180, the application shall be denied.

Additionally, the Court takes judicial notice of the following actions in which Mr. Olinsky has submitted and been granted pro hac vice applications. Gutierrez v. Colvin, 5:14-cv-00230-HRL (N.D. Cal.) (application filed and granted January 15, 2014; plaintiff's motion for summary judgment filed May 27, 2014); Jakobs v. Colvin, 5:14-cv-01414-HRL (N.D. Cal.) (application filed March 27, 2014 and granted April 29, 2014; motion for summary judgment filed September 25, 2014); Jackson v. Colvin, 2:14-cv-02313-JVS-SH (C.D. Cal) (application filed April 3, 2014 and granted April 14, 2014; judgment entered January 8, 2015); White v. Colvin, 5:14-cv-00580-PA-DFM (C.D. Cal.) (application filed April 3, 2014 and granted April 10, 2014; stipulation to remand filed August 12, 2014); Miles v. Colvin, 2:14-cv-00211-MAN (C.D. Cal.) (application filed on January 9, 2014 and granted on January 14, 2014; judgment entered August 22, 2014). Mr. Olinsky is also listed as attorney of record in Williams v. Colvin, 5:14-cv-00753-AG-MRW (C.D. Cal.) (judgment entered February 28, 2015).

This is the ninth case that Mr. Olinsky has prosecuted in California since January 1, 2014. The Court finds that based upon the number of cases that Mr. Olinsky has prosecuted since January 1, 2014, he is at least bordering on regularly engaging in professional activities in California. Any further applications for admission to practice pro hac vice by Mr. Olinsky should be closely scrutinized to determine if he is regularly engaged in professional activities in California and is thereby disqualified from admission to practice pro hac vice. See Mendoza v. Golden West Savings Association Services Co. No. CV 09-1200 GAF (VBKx), 2009 WL 2050786 (C.D. Cal. July 7, 2009) (finding nine pending cases in the district and three other cases

pending in federal districts in California to be regular practice that disqualifies an attorney from pro hac admission).

Based on the foregoing, Mr. Olinsky's application for admission to practice pro hac vice is HEREBY DENIED.

IT IS SO ORDERED.

Dated: **March 26, 2015**

UNITED STATES MAGISTRATE JUDGE