

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JUAN H. VILLAREAL and LORENA  
VILLAREAL,  
  
Plaintiffs,  
  
v.  
  
SENECA MORTGAGE SERVICING,  
LLC and US BANK, NA,  
  
Defendants.

15-cv-1400 --- EPG

FIRST INFORMATIONAL ORDER

INFORMATIONAL ORDER TO PRO SE LITIGANTS

Parties to this litigation shall take note of the following requirements:

In litigating this action, the parties must comply with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court, Eastern District of California (“Local Rules”). This order highlights specific rules of which the parties should take particular note. **Failure to comply with the Local Rules, federal rules or a court order, including this order, will be grounds for dismissal, entry of default or other appropriate sanctions.** See Local Rule 110; F. R. Civ.P. 41(b).

1. Documents intended to be filed with the Court must be mailed to the Clerk of the Court. See Local Rule 134(a). **All documents improperly mailed to a judge's chambers will**

1 **be stricken from the record.** A document requesting a Court order must be styled as a motion.  
2 *See* F.R.Civ.P. 7.

3 2. Each document submitted for filing must include the original signature of the  
4 filing party or parties. Local Rule 131; F.R.Civ.P. 11(a). **All documents submitted without the**  
5 **required signature(s) will be stricken.**<sup>1</sup> Each separate document must be separately stapled.  
6 *See* Local Rule 130. If a document is stapled behind another document, it will not be filed and  
7 will not be entered on this Court's docket.  
8

9 3. All documents filed with the Court must be submitted with an additional legible  
10 conformed copy for the Court's use. *See* Local Rule 133(d)(2). **A document submitted without**  
11 **an extra copy for the Court's use will be stricken.** If the filing party wishes the Court to return  
12 a file-stamped copy, he or she must include an additional copy for that purpose (i.e., submit an  
13 original and two copies, one for the Court's use and one to be returned). **The Court cannot**  
14 **provide copy or mailing service for a party**, even for an indigent plaintiff proceeding *in forma*  
15 *pauperis*. Therefore, if the filing party wishes a file-stamped copy returned, the party must also  
16 provide an envelope with adequate postage pre-paid. Copies of documents from the Court file  
17 may be obtained at the cost of 50 cents per page.  
18

19 4. After any defendants have appeared in an action by filing a pleading responsive to  
20 the complaint (i.e., an answer or a motion to dismiss), all documents filed with the Court must  
21 include a certificate of service stating that a copy of the document was served on the opposing  
22 party. *See* F.R.Civ.P. 5; Local Rule 135(c). **A document submitted without the required**  
23 **proof of service will be stricken.** Where a party is represented, service on the party's attorney of  
24 record constitutes effective service.  
25

26 5. All filings must bear the file number assigned to the action, followed by the initials  
27

---

28 <sup>1</sup> When a document is stricken, it becomes a nullity and is not considered by the Court for any purposes.

1 of the District Court Judge and the Magistrate Judge to whom the case is assigned. Where  
2 Plaintiff simultaneously pursues more than one action, he or she must file separate original  
3 documents and the appropriate number of copies in each action to which the document pertains.

4 **Documents submitted listing more than one case number in the caption will be stricken.**

5  
6 6. The Court cannot serve as a repository for the parties' evidence. The parties may  
7 not file evidence with the Court until the course of litigation brings the evidence into question (for  
8 example, on a motion for summary judgment, at trial, or when requested by the Court). **Evidence**  
9 **improperly submitted to the Court will be stricken and returned to the party.**

10 7. All Court deadlines will be strictly enforced. Requests for time extensions must  
11 state the reason the extension is needed and must be filed with the Court before the deadline in  
12 question. *See* Local Rule 144.

13  
14 8. A plaintiff proceeding in propria persona has an affirmative duty to keep the Court  
15 and opposing parties informed of his or her current address. If a plaintiff moves and fails to file a  
16 notice of change of address, service of Court orders at plaintiff's prior address shall constitute  
17 effective notice. *See* Local Rule 182(f). If mail directed to plaintiff is returned by the U.S. Postal  
18 Service as undeliverable, the Court will not attempt to re-mail it. **If the address is not updated**  
19 **within 60 days of the mail being returned, the action will be dismissed for failure to**  
20 **prosecute.** *See* Local Rule 183(b).

21  
22 9. Due to the press of business, the Court cannot respond to individual requests for  
23 the status of cases. Any such requests will be denied. So long as the parties inform the Court of  
24 any address changes in compliance with Local Rule 183(b), the Court will notify the parties of  
25 any Court action taken in their case.

26 10. Defendants must reply to the complaint within the time provided by the  
27 applicable provisions of F.R.Civ. P. 12(a).  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

11. Unless otherwise ordered, all motions to dismiss, motions for summary judgment, motions concerning discovery, motions pursuant to F.R.Civ.P. 7, 11, 12, 15, 41, 55, 56, 59 and 60, and motions pursuant to Local Rule 110 shall be briefed pursuant to Local Rule 230. Failure to oppose such a motion timely may be deemed a waiver of opposition to the motion.

12. A motion supported by affidavits or declarations that are unsigned will be stricken.

13. The failure of any party to comply with this order, the Federal Rules of Civil Procedure, or the Local Rules of Court, may result in the imposition of sanctions including, but not limited to, dismissal of the action or entry of default.

IT IS SO ORDERED.

Dated: November 10, 2015

/s/ Eric P. Shroy  
UNITED STATES MAGISTRATE JUDGE