

FILED**Oct 1, 2014**CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

IN RE: PROCEDURAL RULES FOR STANDING ORDER
ELECTRONIC SUBMISSION OF
PRISONER LITIGATION FILED BY
PLAINTIFFS INCARCERATED AT
CORCORAN and PLEASANT VALLEY
STATE PRISONS

This Standing Order for the United States District Court for the Eastern District of California, Fresno Division, describes a pilot program in which the Court and the California Department of Corrections and Rehabilitation (CDCR) have agreed to participate in a program whereby initial pleadings submitted by prisoners in civil rights cases involving conditions of confinement claims are electronically filed. As part of this pilot program, CDCR agrees to collaborate with the Court to include the following prison facility or facilities in the pilot program: **Corcoran and Pleasant Valley State Prisons**. This pilot program is designed to reduce the cost of processing court filings in civil rights cases brought by incarcerated Plaintiffs pursuant to 42 U.S.C. § 1983.

As part of the pilot program, the following applies:

Scope:

1. This Standing Order only applies to cases brought by incarcerated Plaintiffs housed at the participating facility at the time of initial filing who assert claims involving conditions of confinement, such as those brought under 42 U.S.C. § 1983 and only applies to cases being filed in the Fresno Division of the Eastern District of California in conformity with Local Rule 120(e). Additionally, this Standing Order does not apply to claims challenging the fact or duration of a prisoner's confinement or other matters not herein authorized.

2. This Standing Order only applies to initial filings by Plaintiffs which initial filings are defined as the complaint, an application to proceed in forma pauperis without prepayment of fees, or a motion seeking relief from this Standing Order or a motion for emergency relief. At a

CDCR participating facility, no initial documents will be accepted for filing by the Clerk of the Court unless done pursuant to this Standing Order or the scanning equipment is inoperable for a period longer than forty-eight (48) hours. After the initial filings, all other filings shall be mailed and comply with the Local Rules for the United States District Court for the Eastern District of California and any subsequent orders issued by this Court after the filing of the complaint.

Procedures for Filing:

3. Plaintiffs shall provide their complaint and any application to proceed in forma pauperis without prepayment of fees to CDCR in conformity with their procedures for the electronic filing of initial documents, including any applicable procedures for paying for photocopies. Plaintiff is required to pay for photocopies according to the applicable CDCR policies and procedures.

4. To facilitate compliance with Fed. R. Civ. P. 8(a)(2) (requiring that a pleading contain “a short and plain statement of the claim showing that the pleader is entitled to relief”) and to reduce costs and delays associated with processing complaints, the Court imposes a page-limit on complaints filed by incarcerated Plaintiffs. Complaints shall not exceed twenty-five (25) pages in length. Any exhibits attached to a complaint shall count toward the twenty-five page limit. Plaintiffs are encouraged to use the Court’s sample civil rights form. In the event a Plaintiff moves the Court to file a complaint longer than twenty-five (25) pages, he or she must include the motion with the proposed complaint to Court and must demonstrate the grounds for the need to exceed the page limitation. Motions to proceed in forma pauperis, motions to increase the page limit and motions for emergency relief shall be no more than fifteen (15) pages in total length combined.

5. CDCR staff will scan all initial filings into a preprogrammed digital sender which scans and converts the documents to .PDF format. On the front page of each separate filing, CDCR staff shall stamp the document indicating that the document has been scanned and emailed, along with the date completed. After the documents are scanned, the original documents will be returned to the Plaintiff and CDCR shall promptly email the documents to the Clerk of Court for filing.

6. The Court, through the Clerk of the Court, will retrieve the e-mailed documents from CDCR, conduct a readability review, and file them in the Case Management Electronic Case Filing system (CM/ECF). The Court will e-mail a document confirming receipt of the filed documents and initial case filing instructions to the Plaintiff to an e-mail address established by CDCR, as well as orders or other documents which are immediately provided to a Plaintiff after the initial filing. CDCR staff shall deliver these e-mailed documents to the incarcerated Plaintiff. After this initial filing, all other documents to be filed shall be sent and served through the mails in accordance with CDCR procedures regarding legal mail, the Local Rules of this Court and other applicable law.

7. Each CDCR facility participating in the pilot program will establish an e-mail address at which CDCR staff can retrieve the Court’s emails and other court-issued initial filings. CDCR staff will retrieve this information from the Court’s email and any attached documents, print and deliver them to the incarcerated Plaintiff. If the incarcerated Plaintiff refuses delivery of the documents or is no longer at an e-filing CDCR participating facility,

1 CDCR staff will notify the Court by e-mail and indicate the reason for non-delivery of the
2 documents. Since the original civil complaint and other filings were returned to the incarcerated
3 Plaintiff as scanned and emailed, the Court and CDCR are not required to provide the
4 incarcerated Plaintiff with any filed stamped copies of the documents filed by the Plaintiff.

5 8. The Clerk of Court is authorized to create any additional required forms or
6 procedures to effectuate this Standing Order.

7 9. The effective date of this Standing Order is October 1, 2014.

8 Dated: September 24, 2014

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10 MORRISON C. ENGLAND, JR., CHIEF JUDGE
11 UNITED STATES DISTRICT COURT
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