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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

IN RE:) 1:16-mc-00049-SAB
)
) ORDER REGARDING USE OF ELECTRONIC
) SUBMISSION OF PRISON LITIGATION,
10 **MARTIN WARE,**) DIRECTING APPEARANCE BY SUPERVISING
) DEPUTY ATTORNEY GENERAL, AND
) SETTING BRIEFING SCHEDULE
)
) [ECF No. 1]
)
)

On September 20, 2016, the Court received a motion from the Plaintiff requesting access to the electronic case filing system at Kern Valley State Prison (“KVSP”) in Delano, California. Plaintiff specifically requests an order directing the litigation coordinator at KVSP to process his section 1983 complaint.

As Plaintiff is incarcerated at KVSP, he is subject to the Standing Order in Re: Procedural Rules for Electronic Submission of Prison Litigation Filed by Plaintiff’s incarcerated at KVSP. Pursuant to the standing order, which applies to initial filings: (1) new complaints are subject to e-filing and they may not exceed twenty-five pages in length; and (2) motions seeking relief from the standing order, motions for emergency relief, or motions to increase the page limit shall be no more than fifteen (15) pages. As a California Department of Corrections and Rehabilitation participating facility, no initial documents are accepted for filing by the Clerk of Court unless done pursuant to the standing order or the scanning equipment is inoperable for a period longer than forty-eight (48) hours.

Inasmuch as this case has not yet been opened, the Court will request the Supervising Deputy Attorney General in charge of the e-service program, Monica Anderson, to address Plaintiff’s contention that he is not allowed to utilize the e-filing system at KVSP. After briefing is submitted,

1 the Court will review any documentation and issue a corresponding order and/or set a telephonic
2 hearing, if necessary and only if Plaintiff has properly responded within the specified time period.

3 Accordingly, it is HEREBY ORDERED that:

- 4 1. The Clerk of Court is directed to serve a copy of inmate Martin Ware's motion and a
5 copy of this order on Supervising Deputy Attorney General, Monica Anderson;
- 6 2. Ms. Anderson shall file a response to Mr. Ware's motion within **fourteen (14)** days
7 from the date of service of this order;
- 8 3. Inmate Martin Ware shall file a detailed brief as to show he was denied access to the e-
9 filing system at KVSP within **twenty-one (21)** days from the date of service of this
10 order; and
- 11 4. No case as to the merits of Mr. Ware's claims will be opened until the issue regarding
12 the use of the e-filing system is resolved unless a civil complaint is filed through the
13 Court 's e-filing procedures.

14
15 IT IS SO ORDERED.

16 Dated: September 22, 2016



UNITED STATES MAGISTRATE JUDGE