

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**

**IN RE:** ) 1:17-mc-00016-SAB  
)  
)  
**DAVID DANIELS,** ) ORDER DENYING PLAINTIFF’S REQUEST TO  
) BE EXEMPT FROM USE OF THE ELECTRONIC  
) FILING SYSTEM  
)  
)  
)  
)  
)

---

On March 8, 2017, the Court received a notice from the Plaintiff requesting access to the electronic case filing system at California State Prison-Corcoran (CSP). Plaintiff contends that he is incarcerated in the Security Housing Unit at CSP and his efforts to gain access to use of the electronic filing system to file his complaint have been denied. Plaintiff requests to be exempt from filing his complaint through use of the electronic filing system.

On March 16, 2017, the Court served a copy of Plaintiff’s request on Supervising Deputy Attorney General, Monica Anderson and directed a response be filed within fourteen days. The Court also directed Plaintiff to file a detailed brief as to how he was denied access to the e-filing system within twenty-one days.

Plaintiff filed his brief on March 27, 2017. On March 30, 2017, by way of special appearance, Supervising Deputy Attorney General, Monica Anderson, filed a response to the Court’s order. The matter is now submitted to the Court for review and ruling.<sup>1</sup>

---

<sup>1</sup> Except for specifically identified motions not at issue here, a magistrate judge is permitted to hear and determine any pretrial matter that is not dispositive of a claim or defense pending before the court. 28 U.S.C. § 636(b)(1); Local Rule 302.

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

**I.**  
**DISCUSSION**

In his brief, Plaintiff contends that on February 7, 2017, he attempted to file his initial complaint with the Court, but it was returned to Plaintiff with instructions to e-file the complaint pursuant to the court’s standing order. On February 20, 2017, Plaintiff submitted a request to the law library at CSP to use the electronic filing system. However, Plaintiff contends the law librarian’s response was disjointed and incoherent. Plaintiff then filed an inmate appeal regarding denial of access to the court’s electronic filing system.

The Office of the Attorney General submits the declaration of Law Librarian at CSP, S. Parks who declares Mr. Daniels visited the law library on February 7, 2017. (Decl. S. Parks ¶¶ 1, 5, Resp. Attach A, ECF No. 4.) Mr. Daniels did not request to file any documents through the CSP-COR E-filing program on February 7, 2017. (Id.) Mr. Daniels submitted two Form 22’s Request for Interviews on February 15 and 20, 2017, requesting use of the electronic filing system. (Id. ¶¶ 6-8.) Mr. Daniels was incorrectly advised that he had to provide a trust withdrawal to receive the forms. (Id.) At that time, Mr. Daniels filed a request to file his complaint without use of the electronic filing system. (Decl. of M. Kimbrell ¶ 7, Resp. Attach. B, ECF No. 4.)

A copy of Mr. Daniels’ request to file a complaint without use of the electronic filing system was provided to the litigation office at CSP on March 20, 2017. On March 20, 2017, Law Library Officer Bueno spoke with Mr. Daniels regarding his e-filing. Plaintiff refused to discuss his e-filing or request to be put on the library schedule. (Decl. of A. Bueno ¶¶ 2-3, Resp. Attach. C, ECF No. 4.)

Mr. Daniels was thereafter issued a ducat to visit the law library on March 24, 2017, but Daniels’ refused to attend. (Decl. of S. Parks ¶ 10; Decl. of M. Kimbrell ¶ 6.) The Litigation Coordinator at CSP spoke with Mr. Daniels on March 28, 2017, and offered to e-file his complaint. However, Mr. Daniels refused and claimed the Court had already accepted his document. (Decl. of M. Kimbrell ¶¶ 7-8.)

---

As the issue addressed here is not dispositive of Plaintiff’s action, but merely addresses the manner in which his case must be filed, the Court shall proceed by order.

1 The Litigation Coordinator advised Mr. Daniels that if he submitted his complaint to be e-filed,  
2 it would be on file with the Court and a case number would be issued within days. However, Mr.  
3 Daniels refused to allow the Litigation Coordinator to e-file his complaint. (Id. ¶¶ 7-8.)

4 Based on the declarations submitted by Law Librarian S. Parks, Litigation Coordinator M.  
5 Kimbrell, and Law Library Officer A. Bueno, it is clear that since the filing of Plaintiff's request he  
6 has had access to the electronic filing system but simply refuses to utilize the procedure. As stated in  
7 the Court's January 4, 2017, order no case on the merits will be opened until the issue regarding the  
8 use of the e-filing system is resolved unless a civil complaint is otherwise filed through the Court's e-  
9 filing procedures. Thus, it is incumbent upon Plaintiff to utilize and file his complaint through the  
10 electronic filing system, and based on the representations submitted by the Office of the Attorney  
11 General Plaintiff has been afforded access to such system. There is no basis for Court intervention and  
12 Mr. Daniels must comply with the normal procedures pursuant to the Court's standing order to have  
13 his complaint e-filed with this Court.

14 **I.**  
15 **ORDER**

16 Based on the foregoing, Plaintiff's request to be exempt from use of the electronic filing  
17 system to file his complaint is DENIED.

18  
19 IT IS SO ORDERED.

20 Dated: March 31, 2017

  
21 UNITED STATES MAGISTRATE JUDGE