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

IN RE:) 1:19-mc-00039-SAB
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GENNADIY KUZMINSKIY) ORDER REGARDING PLAINTIFF’S REQUEST
) TO FILE COMPLAINT WITHOUT USE OF
) ELECTRONIC FILING SYSTEM, AND
) DIRECTING APPEARANCE BY SUPERVISING
) DEPUTY ATTORNEY GENERAL
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)
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)

On May 16, 2019, the Court received a motion from Plaintiff requesting relief from the electronic case filing system at Avenal State Prison.

Plaintiff contends that he does not have access to the law library at Avenal State Prison in order to file his complaint through use of the electronic case filing system. Plaintiff therefore requests to be exempt from filing his complaint through use of the electronic filing system.

As Plaintiff is incarcerated at Avenal State Prison, he is subject to the Standing Order in Re: Procedural Rules for Electronic Submission of Prison Litigation Filed by Plaintiff’s incarcerated at Avenal State Prison. 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

1 unless done pursuant to the standing order or the scanning equipment is inoperable for a period longer
2 than forty-eight (48) hours.

3 Based on the Plaintiff's allegations, the Court will request the Supervising Deputy Attorney
4 General in charge of the electronic filing program, Christopher Becker, to address Plaintiff's
5 contentions that he cannot access the electronic filing system at Avenal State Prison. After a response
6 is filed, the Court will issue a corresponding order.

7 Accordingly, it is HEREBY ORDERED that:

- 8 1. The Clerk of Court is directed to serve a copy of this order and a copy of Plaintiff's
9 motion (ECF No. 1) and a copy of this order on Supervising Deputy Attorney General,
10 Christopher Becker, at Christopher.Becker@doj.ca.gov; and
- 11 2. Within **seven (7) days** from the date of service of this order, Mr. Becker shall file a
12 response to Plaintiff's motion; **or**
- 13 3. In the alternative, within seven (7) days CDCR may electronically file the Plaintiff's
14 complaint provide notice to the Court of such filing and the assigned case number.

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16 IT IS SO ORDERED.

17 Dated: May 20, 2019

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UNITED STATES MAGISTRATE JUDGE