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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

FRANK ORR,
Plaintiff,
v.
ADRIANA HERNANDEZ, et
al.,
Defendants.

NO. 2:08-CV-0472-JLQ (PC)

**INFORMATIONAL ORDER RE:
LETTER FILED 2/10/2010**

On February 10, 2010, the court received a written inquiry from Plaintiff asking whether he needed to serve the Attorney General with copies of all filings which the Attorney General had informed him he must do. *See* Ct. Rec. 32 [1/19/2010 letter from Phillip L. Arthur]. As set forth in paragraph number five below, Plaintiff is not required to serve copies of filings on defense counsel, as counsel will receive service via the court's electronic filing system. The court enters the following order which highlights specific rules of which the parties shall take particular note.

1. In litigating this action, all parties, including those proceeding pro se, must comply with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court, Eastern District of California. **Failure to comply with the Federal Rules of Civil Procedure, the Local Rules, or a Court Order, including this Order, is grounds for appropriate sanctions, including dismissal of the action.** Fed. R. Civ. P. 41(b); LR 11-110.

2. Documents intended to be filed with the court by pro se litigants must be mailed to the Clerk of the Court, United States District Court, 501 I Street, Room 4-200, Sacramento, California 95814. LR 5-133(d)(1). **All documents mailed improperly**

1 **to a Judge's chambers will be stricken.**

2 3. Each document submitted for filing must include the original signature of the
3 filing litigant(s). Fed. R. Civ. P. 11(a); LR 7-131. **All documents submitted without**
4 **the required signature(s) will be stricken.** Each separate document must be bound
5 separately at the top left corner. LR 7-130(b). If a document is bound behind another
6 document, it will not be filed or entered on the court docket. A document requesting a
7 court order must be styled as a motion, not a letter. Fed. R. Civ. P. 7. Documents
8 submitted to the court may be either typewritten or handwritten, but must be legible, and
9 writing shall be on one (1) side of the page only. LR 7-130 (modified). Every document
10 submitted to the court must include your name, address, and prisoner identification
11 number in the upper left-hand corner of the first page. LR 7-132.

12 4. You are not required to send the court copies of your documents submitted for
13 filing. LR 5-133(d)(2) (modified). If the filing litigant wishes the court to return a file-
14 stamped copy, he must include one copy for that purpose AND a pre-addressed postage
15 paid envelope. **The court cannot provide copies or mailing service for a litigant,**
16 even for an indigent plaintiff proceeding in forma pauperis. Copies of documents may
17 be obtained from the court file by contacting Attorney's Diversified Services at 1424 21st
18 Street, Sacramento, CA 95811, 800-266-4624.

19 5. The Defendant Hernandez has appeared in this action and is represented by the
20 office of the California State Attorney General. Plaintiff Orr is not required to serve
21 copies of **filings** on the attorney representing Ms. Hernandez, as counsel will receive
22 service of such filings via the court's electronic filing system.

23 6. All filings must bear the file number assigned to the action, followed by the
24 initials of the District Judge to whom the case is assigned and the letters "PC." Where
25 Plaintiff simultaneously pursues more than (1) one action, he must file separate original
26 documents and the appropriate number of copies in each action to which the document
27 pertains. **Documents submitted listing more than one case number in the caption**
28 **will be stricken.**

1 7. The court cannot serve as a repository for the parties' evidence (i.e., prison or
2 medical records, witness affidavits, etc.). Litigants may not file evidence with the court
3 until the course of litigation brings the evidence into question (for example, on a motion
4 for summary judgment, at trial, or when requested by the court). **Evidence improperly**
5 **submitted to the court will either be returned or stricken.**

6 8. The Eastern District of California converted to an electronic filing, service, and
7 storage system, effective January 3, 2005. Pro se litigants are exempt from the electronic
8 filing requirement and must submit all documents to the court in paper. LR 5-133(b)(2).
9 Paper documents submitted by pro se litigants for filing will be scanned into the
10 electronic court file by the Clerk's Office. After being scanned into the electronic court
11 file, the paper documents will be retained in the Clerk's Office for a limited period of
12 time and then discarded. LR 39-138(d). For this reason, pro se litigants are cautioned
13 not to send original exhibits to the court. When it is appropriate for pro se litigants to
14 submit exhibits to the court (see paragraph 6), the litigants shall retain their original
15 exhibits and send photocopies to the court.

16 9. The court has now issued a scheduling order, opening discovery and setting the
17 deadlines for completing discovery, amending the pleadings, and filing pre-trial
18 dispositive motions. Discovery must be served directly on the litigant or if a party is
19 represented by an attorney on that attorney. The party or attorney requesting discovery
20 shall not file copies of their discovery with the court, unless necessary to support
21 motions. LR 33-250, 34-250, 36-250. **Discovery documents inappropriately**
22 **submitted to the court will be stricken.** Where the discovery response is
23 unsatisfactory, the litigant seeking discovery may file a motion to compel discovery,
24 including a copy of the discovery propounded and the response thereto. Fed. R. Civ. P.
25 37. A motion to compel must be accompanied by "a certification that the movant has in
26 good faith conferred or attempted to confer with the litigant not making the disclosure
27 in an effort to secure the disclosure without court action." Fed. R. Civ. P. 37(a)(1). In
28 addition, at least ten (10) days before the hearing, the litigants must file either: (1) a joint
statement of conferment in good faith together with a list and description of unresolved

1 issues or (2) individual statements describing efforts to confer together with a list and
2 description of unresolved issues. Statements must not exceed ten (10) pages without first
3 obtaining the District Judge's approval. **A discovery motion that does not comply with**
4 **all applicable rules will be stricken and may result in the imposition of sanctions.**

5 10. Because Plaintiff is incarcerated and is proceeding pro se, all pre-trial motions
6 will be submitted without a hearing. LR 78-230(m). Litigants are referred to Local Rule
7 78-230(m) for the briefing schedule on motions.

8 11. All deadlines will be strictly enforced. Requests for time extensions must
9 state the reason the extension is needed and must be filed with the court **before** the
10 deadline date in question. LR 6-144.

11 12. A pro se plaintiff has an affirmative duty to keep the court and opposing
12 parties apprised of his address. LR 83-182(f). If a plaintiff moves and fails to file a
13 notice of change of address, service of court orders at Plaintiff's prior address shall
14 constitute effective notice. *Id.* If mail directed to Plaintiff is returned by the U.S. Postal
15 Service as undeliverable, the court will not attempt to re-mail it. **If the address is not**
16 **updated within sixty (60) days of the mail being returned, the action will be**
17 **dismissed for failure to prosecute.** LR 83-183(b).

18 As noted, the requirements set forth in Local Rules 5-130, 5-133(d)(2), and 7-135
19 have been modified in this Order. These modifications apply to civil rights and habeas
20 cases filed in the Sacramento division of the Eastern District of California by prisoners
21 proceeding pro se.

22 IT IS SO ORDERED. The District Court Executive is directed to enter this Order
23 and provide a copy to Plaintiff and counsel for Defendant Hernandez.

24 Dated March 4, 2010.

25 s/ Justin L. Quackenbush
26 JUSTIN L. QUACKENBUSH
27 SENIOR UNITED STATES DISTRICT JUDGE
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