

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

ALAN BECKHAM,

Plaintiff,

v.

AGENT BELL and STOCKTON
PAROLE SUPERVISOR HUGO
MERCADO,

Defendants.

NO. CV-08-2550-EFS

**FIRST INFORMATIONAL ORDER IN
PRISONER CIVIL RIGHTS CASE**

Plaintiff Alan Beckham is a state prisoner proceeding pro se in this civil rights action. 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.

This Order highlights specific rules of which Plaintiff should take particular note:

1. 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,

ORDER * 1

1 501 I Street, Room 4-200, Sacramento, California 95814. Local Rule 5-
2 133(d)(1). **All documents mailed improperly to a Judge's chambers will be**
3 **stricken.**

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

16 3. You are not required to send the Court copies of your documents
17 submitted for filing. LR 5-133(d)(2) (modified). If the filing litigant
18 wishes the Court to return a file-stamped copy, he must include one copy
19 for that purpose AND a pre-addressed postage paid envelope. **The Court**
20 **cannot provide copies or mailing service for a litigant,** even for an
21 indigent plaintiff proceeding in forma pauperis. Copies of documents may
22 be obtained from the Court file by contacting Attorney's Diversified
23 Services at 741 N. Fulton Street, Fresno, California 93728, 800-842-2695.

24 4. After Defendants have appeared by filing a response to the
25 complaint (i.e., an answer, a motion to dismiss, or a motion for summary
26 judgment), and are represented by the office of the California State

1 Attorney General, Plaintiff is not required to serve copies of filings on
2 Defendants or counsel, as counsel will receive service via the Court's
3 electronic filing system. Any documents filed in a civil rights action
4 in which Defendants are **not** represented by the California State Attorney
5 General must include a certificate of service stating that a copy of the
6 document was served on the opposing litigant. Fed. R. Civ. P. 5; LR 5-135
7 (modified). **A document submitted without the required proof of service**
8 **will be stricken.** Where a litigant is represented by private or other
9 government counsel, service on the litigant's attorney of record
10 constitutes effective service. A sample Proof of Service form is attached
11 hereto.

12 5. All filings must bear the file number assigned to the action,
13 followed by the initials of the District Judge to whom the case is
14 assigned and the letters "PC." Where Plaintiff simultaneously pursues
15 more than (1) one action, he must file separate original documents and the
16 appropriate number of copies in each action to which the document
17 pertains. **Documents submitted listing more than one case number in the**
18 **caption will be stricken.**

19 6. The Court cannot serve as a repository for the parties' evidence
20 (i.e., prison or medical records, witness affidavits, etc.). Litigants may
21 not file evidence with the Court until the course of litigation brings the
22 evidence into question (for example, on a motion for summary judgment, at
23 trial, or when requested by the Court). **Evidence improperly submitted to**
24 **the Court will either be returned or stricken.**

25 7. The Eastern District of California converted to an electronic
26 filing, service, and storage system, effective January 3, 2005. Pro se

1 litigants are exempt from the electronic filing requirement and must
2 submit all documents to the Court in paper. LR 5-133(b)(2). Paper
3 documents submitted by pro se litigants for filing will be scanned into
4 the electronic Court file by the Clerk's Office. After being scanned into
5 the electronic Court file, the paper documents will be retained in the
6 Clerk's Office for a limited period of time and then discarded. LR 39-
7 138(d). For this reason, pro se litigants are cautioned not to send
8 original exhibits to the Court. When it is appropriate for pro se
9 litigants to submit exhibits to the Court (see paragraph 6), the litigants
10 shall retain their original exhibits and send photocopies to the Court.

11 8. After an answer is filed, the Court will issue an order opening
12 discovery, and setting the deadlines for completing discovery, amending
13 the pleadings, and filing pre-trial dispositive motions. **No discovery may**
14 **be conducted without Court permission until an answer is filed and the**
15 **Court issues the discovery order.** Discovery propounded on a litigant is
16 self-executing, and must be served directly on the litigant from whom
17 discovery is sought; litigants should not file copies of their discovery
18 with the Court. LR 33-250, 34-250, 36-250. **Discovery documents**
19 **inappropriately submitted to the Court will be stricken.** Where the
20 discovery response is unsatisfactory, the litigant seeking discovery may
21 file a motion to compel discovery, including a copy of the discovery
22 propounded and the response thereto. Fed. R. Civ. P. 37. A motion to
23 compel must be accompanied by "a certification that the movant has in good
24 faith conferred or attempted to confer with the litigant not making the
25 disclosure in an effort to secure the disclosure without court action."
26 Fed. R. Civ. P. 37(a)(1). In addition, at least ten (10) days before the

1 hearing, the litigants must file either: (1) a joint statement of
2 conferment in good faith together with a list and description of
3 unresolved issues or (2) individual statements describing efforts to
4 confer together with a list and description of unresolved issues.
5 Statements must not exceed ten (10) pages without first obtaining the
6 District Judge's approval. **A discovery motion that does not comply with**
7 **all applicable rules will be stricken and may result in the imposition of**
8 **sanctions.**

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

13 10. All deadlines will be strictly enforced. Requests for time
14 extensions must state the reason the extension is needed and must be filed
15 with the Court **before** the deadline in question. LR 6-144.

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

24 12. The Court is required to screen complaints brought by prisoners
25 seeking relief against a governmental entity or officer or employee of a
26 governmental entity. 28 U.S.C. § 1915A(a). The Court must dismiss a

1 complaint or portion thereof if the prisoner has raised claims that are
2 legally "frivolous or malicious," that fail to state a claim upon which
3 relief may be granted, or that seek monetary relief from a defendant who
4 is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2). The Court will
5 direct the United States Marshal to serve Plaintiff's complaint only after
6 the Court has screened the complaint and determined that it contains
7 cognizable claims for relief against the named Defendants. The Court has
8 a large number of prisoner civil rights cases pending before it and will
9 screen plaintiff's complaint in due course. The Court will notify you as
10 soon as any action is taken in your case. Due to the large number of
11 civil actions pending before the Court, the Clerk is unable to respond in
12 writing to individual inquiries regarding case status. As long as you
13 keep the Court apprised of your current address, you will receive all
14 decisions affecting the status of the case.

15 As noted, the requirements set forth in Local Rules 5-130, 5-
16 133(d)(2), and 7-135 have been modified in this Order. These
17 modifications apply to civil rights and habeas cases filed in the
18 Sacramento division of the Eastern District of California by prisoners
19 proceeding pro se.

20 **IT IS SO ORDERED.** The District Court Executive is directed to enter
21 this Order and provide a copy to Plaintiff.

22 **DATED** this 8th day of January 2009.

23 S/ Edward F. Shea

24 EDWARD F. SHEA

25 United States District Judge

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