

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

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

KATHLYN A. RHODES,

Plaintiff,

No. 2:09-cv-00489 MCE KJN PS

vs.

PLACER COUNTY, et al.,

ORDER TO SHOW CAUSE

Defendants.

_____ /

Plaintiff, an attorney, is proceeding pro se in this action. On July 2, 2010, plaintiff filed a declaration in support of her opposition to several motions to dismiss her second amended complaint. (Dkt. No. 95.)

On page six of that opposition, plaintiff stated as follows:

On July 1, 2010, I was unable to access the Court's e filing program with Pacer. I therefore asked my new employer, Robert Bowman, if I could use his Pacer account to file my opposition papers. He graciously granted my request. However, after the first opposition papers were filed (opposing the motion filed by Defendants SCMHTC to dismiss the Second Amended Complaint), Mr. Bowman's name now appears as though he is my attorney of record. Mr. Bowman is not my lawyer; I am representing myself in this action. I respectfully request the Court to remove Robert Bowman's name from the e filing Proof of Service of documents in this action.

(Dkt. No. 95 at 6.)

////

1 Pursuant to Local Rule 131, “[a]nything filed using an attorney’s name, login and
2 password will be deemed to have been signed by that attorney for all purposes, including Fed. R.
3 Civ. P. 11.” L.R. 131(c); see also L.R. 135(g) (“The court registration name and password, when
4 utilized for the electronic filing of documents, will serve as the party’s signature for Fed. R. Civ.
5 P. 11 purposes.”).

6 Although this court granted plaintiff leave to file documents in this action via the
7 court’s electronic filing system because plaintiff represented to the undersigned that she was an
8 attorney in good standing before this court, Dkt. No. 61 at 4, the court did not and would not
9 grant plaintiff leave to do so under another attorney’s name. Further, the court specifically noted
10 that such leave may be withdrawn in the event of noncompliance with the Local Rules. Pursuant
11 to Local Rule 135(d), attorneys who wish to file documents in this District are responsible for
12 and must take care to ensure the validity of their signatures. L.R. 135(d).

13 Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

14 1. Attorney Robert C. Bowman is hereby ordered to show cause, in writing,
15 within seven (7) days of the date of this order, why he should not be deemed to represent plaintiff
16 Kathlyn A. Rhodes for all purposes in this action. Mr. Bowman shall also address whether he
17 authorized plaintiff to use his Eastern District of California e-filing name and password for
18 filings in this action.

19 2. Plaintiff shall serve a copy of this order upon attorney Robert C. Bowman and
20 file a proof of service with this court reflecting such service within seven (7) days of the date of
21 this order.

22 3. Plaintiff is further ordered to show cause, in writing, within seven (7) days of
23 the date of this order, why she believes that she is permitted to use another attorney’s Pacer
24 account to file documents in this action.


25 ///

26 ///

1 4. Failure to comply with the terms of this order may result in dismissal of this
2 action.

3 IT IS SO ORDERED.

4 DATED: July 8, 2010

5
6
7 
8 KENDALL J. NEWMAN
9 UNITED STATES MAGISTRATE JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26