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

DARRYL HUBBARD,

Plaintiff,

No. 2:09-cv-0939 JAM AC P

vs.

C.D. HOUGLAND, *et al.*,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner represented by counsel,¹ proceeds with a civil rights action pursuant to 42 U.S.C. § 1983. This case involves an allegation of excessive force that occurred on July 7, 2008 by defendant guards Hougland and McBride. Before the court are the following motions filed by plaintiff: a motion for electronic filing, filed October 22, 2012; a motion to continue the discovery deadline, filed November 29, 2012; a second motion for order granting plaintiff leave to file electronically, filed December 3, 2012; and a second motion for extension of time to complete discovery, filed December 21, 2012. Defendants have not responded to any of these motions.

¹ Although plaintiff is presently represented by counsel, said counsel filed a motion to withdraw on December 11, 2012, which is scheduled for hearing on February 6, 2013.

1 Turning first to plaintiff's motions for leave to file electronically, plaintiff's
2 request will be denied for two reasons. Initially, plaintiff's request is moot because, as a
3 represented party, any documents filed by his attorney shall be filed electronically per Local
4 Rule 133(a) ("Unless excused by the Court or by the electronic filing procedures set forth in
5 these Rules, attorneys shall file all documents electronically pursuant to those Rules."). Next,
6 although the Eastern District of California is an electronic management/filing district,
7 unrepresented persons are required to file and serve paper documents unless the assigned Judge
8 or Magistrate Judge grants leave to utilize electronic filing. Local Rule 133(a) & (b)(2). A
9 request to use electronic filing by a pro se party as an exception to the rule may be made as a
10 written motion setting out an explanation of reasons for the requested exception. Local Rule
11 133(b)(3). The court has reviewed plaintiff's motions and finds that they lack the necessary
12 explanation of reasons to file electronically. Plaintiff's first motion states, in its entirety,
13 "Plaintiff is requesting permission to file on-line via the CM/ECF system." Doc. No. 109.
14 Plaintiff's second motion states, again in its entirety, "Plaintiff is requesting permission to file
15 on-line via the CMECF sys [sic]. Please note this is my 2nd request." Doc. No. 113. Neither of
16 these motions "set[s] out an explanation of reasons for the exception." Local Rule 133(b)(3).

17 With respect to plaintiff's motions to extend the discovery deadline, the court
18 notes that, by order dated April 5, 2010, the scheduling order in this case was vacated pending
19 resolution of defendants' motion to dismiss. See Doc. No. 63. Defendants' motion to dismiss
20 was only recently resolved, see Doc. No. 110, and no further scheduling orders have yet issued.
21 The court will issue a modified scheduling order following the February 6, 2012 hearing on
22 plaintiff's counsel's motion to withdraw.

23 Accordingly, IT IS HEREBY ORDERED that:

24 1. Plaintiff's October 22, 2012 and December 3, 2012 motions for electronic
25 filing are denied; and

26 ///

1 2. Plaintiff's November 29, 2012 and December 21, 2012 motions to continue the
2 discovery deadline are denied.

3 DATED: January 11, 2013.

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6 ALLISON CLAIRE
7 UNITED STATES MAGISTRATE JUDGE

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