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

HAROLD R. HUGGINS dba THE COUNCIL FOR EDUCATION,

Plaintiff,

No. CIV S-09-1503 FCD EFB PS

VS.

CALIFORNIA ATTORNEY GENERAL,

Defendants.

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This fee-paid case, commenced June 1, 2009, in which plaintiff is proceeding in pro se, is before the undersigned pursuant to E. D. Cal. L. R. ("Local Rule") 72-302(c)(21), and 28 U.S.C. § 636(b)(1).

ORDER

Presently pending is plaintiff's "Sealed First Amended Ex Parte Writ for an FPPC Judicial Review," submitted pursuant Local Rule 24-132(b) (authorizing a party to file a notice of unconstitutionality as to a state administrative regulation). The rule, which applies "in an action to which neither a State nor any of its officers, agencies, or employees are a party," precludes the filing of such notice in the present action which includes as defendants the California Attorney General, and California Fair Political Practices Commission. The "writ,"

which addresses the same matters set forth in plaintiff's complaint, will therefore be denied.

Moreover, plaintiff has failed to comply with Local Rule 39-141(authorizing the sealing of documents only upon motion and written order of the court), by submitting his "Amended Ex Parte Writ" (and initial "Ex Parte Writ") under seal without leave of court. Even had plaintiff complied with the requirements of Local Rule 39-141, the court perceives no basis upon which these documents should be withheld from public scrutiny. "For good cause to exist [to seal a judicial document], the party seeking protection bears the burden of showing specific prejudice or harm will result if no protective order is granted." *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1210-11 (9th Cir. 2002).

Plaintiff is cautioned that *pro se* litigants must follow the local and federal rules of court. Local Rule 83-183, governing persons appearing *in propria persona*, provides that failure to comply with court rules may be ground for dismissal, judgment by default, or other appropriate sanction. *Pro se* litigants are bound by the rules of procedure, even though their pleadings must be liberally construed. *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987); *see also* Local Rule 11-110 (failure to comply with the Local Rules "may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court").

Accordingly, IT IS HEREBY ORDERED that:

- 1. Plaintiff's request for review pursuant to his "Sealed First Amended Ex Parte Writ for an FPPC Judicial Review," is denied; and
- 2. The Clerk of Court shall unseal and routinely file plaintiff's "Ex parte Writs" (the original and amended filings) submitted by plaintiff on July 8, 2009.

SO ORDERED.

DATED: July 10, 2009.

EĎMUND F. BRĚNNAN UNITED STATES MAGISTRATE JUDGE