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

JOHN ZAPATA dba ZAPATA
COLLECTION, SERVICE,
an Individual,

Plaintiff,

No. 2:09-cv-03555 GEB KJN PS

v.

FLINTCO, INC., an Oklahoma
corporation, SAN JOAQUIN
COMMUNITY COLLEGE DISTRICT,
a Political Subdivision and JOHN DOE
1-25, inclusive,

ORDER

Defendants.

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Presently before the court is plaintiff’s request for permission to (1) file and serve documents in this matter via e-mail and in portable document format, or PDF; and (2) appear telephonically at hearings on motions in this case because he resides in Lincoln, Nebraska. (Dkt. No. 18.) Plaintiff is proceeding without counsel.

First, plaintiff requests that he be permitted to file and serve documents as PDF files via e-mail. The undersigned will deny plaintiff’s request to file and serve documents in this manner, and plaintiff “shall file and serve paper documents as required by applicable Federal Rules of Civil or Criminal Procedure or by [the court’s Local] Rules.” Local Rule 133(b)(2).

1 Plaintiff acknowledges that as a pro se party, he may not use the court's electronic
2 filing system without permission. Id. ("Any person appearing pro se may **not** utilize electronic
3 filing except with the permission of the assigned Judge or Magistrate Judge . . ."). However,
4 plaintiff may file a request for permission to use the court's Case Management / Electronic Case
5 Files ("CM/ECF") system to effectuate electronic filing and service. See Local Rule 133(b)(2),
6 (3). If plaintiff files such a request, the request for an exception to Local Rule 133(b)(2) shall
7 conform to the requirements of Local Rule 133(b)(3), such that it either be in the form of a
8 stipulation or, if a stipulation cannot be had, a written motion providing specific reasons in
9 support of the exception. Any such request for an exception must also contain assurances that
10 plaintiff will be able to follow the court's Local Rules regarding use of the CM/ECF system. In
11 addition, any order granting permission to use the CM/ECF system will be subject to revocation.

12 Second, plaintiff requests that he be permitted to appear telephonically on all
13 hearings in this matter.¹ The undersigned will deny plaintiff's request for a blanket order
14 permitting telephonic appearances. However, plaintiff will be permitted to seek leave to appear
15 via telephone on a hearing-by-hearing basis, and will be required to file and serve a written
16 request with the reasons supporting the request and a proposed order.

17 For the reasons stated above, the court hereby ORDERS that:

18 1. Plaintiff's request to file and serve documents via e-mail with attached PDF
19 files is denied, but plaintiff will be permitted to file a request for permission to use the court's
20 CM/ECF system, as described above.

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25 ¹ At the time plaintiff filed his request to appear telephonically, plaintiff had filed a
26 motion to compel and noticed a hearing date. The court denied plaintiff's motion as defectively
noticed. (Dkt. No. 22.) Accordingly, there are no hearings presently set in this matter.

1 2. Plaintiff's request to appear telephonically on all motion hearings is denied,
2 but plaintiff may formally seek permission to appear telephonically on a hearing-by-hearing basis
3 and provide a proposed order with each such request, as described above.

4 IT IS SO ORDERED.

5 DATED: April 5, 2010

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8 KENDALL J. NEWMAN
9 UNITED STATES MAGISTRATE JUDGE
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