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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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FARZANA SHEIKH, M.D.
Plaintiff,

NO. CIV. S-10-213 FCD GGH PS

v.

MEMORANDUM AND ORDER

MEDICAL BOARD OF CALIFORNIA
and STATE OF CALIFORNIA,
Defendants.

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This matter is before the court on *pro per* plaintiff Farzana Sheikh, M.D.'s motion for reconsideration of the magistrate judge's March 18, 2010 order, (1) striking plaintiff's original complaint which was filed by her husband as her "attorney," even though he is not licensed to practice law and (2) granting plaintiff conditional permission to use the court's electronic filing system.¹ (Docket #22.) Prior to entry of the magistrate

¹ E.D. Cal. L.R. 133(b)(2) (provides that "[a]ny person appearing *pro se* may not utilize electronic filing except with the permission of the assigned Judge or Magistrate Judge"). The magistrate judge specifically warned plaintiff that the court would monitor plaintiff's filings to "assess their reasonableness" and should the "court discern any unreasonably

1 judge's order, plaintiff filed an amended pleading *in pro per*,
2 seeking review of the Medical Board of California's denial of her
3 application for a physician's license. (Docket #14, filed Feb.
4 17, 2010.) Defendants have moved to dismiss the amended
5 complaint; the magistrate judge stayed the hearing on that matter
6 pending this court's resolution of the instant motion for
7 reconsideration.²

8 Because the magistrate judge's instant order raises non-
9 dispositive pre-trial issues, review is governed by the "clearly
10 erroneous or contrary to law" standard set forth in 28 U.S.C.
11 § 636(b)(1)(A). As such, the magistrate judge's order cannot be
12 set aside or modified unless the findings of fact are clearly
13 erroneous or the conclusions are contrary to law. Fed. R. Civ.
14 P. 72(a); Grimes v. San Francisco, 951 F.2d 236, 239-40 (9th Cir.
15 1991). Having carefully reviewed the magistrate judge's order
16 and plaintiff's motion for reconsideration thereof, the court
17 finds the magistrate's judge order striking the original
18 complaint and granting plaintiff conditional access to electronic
19 filing supported by the record and by proper analysis. As a
20 matter of law, plaintiff's husband cannot represent her in this
21 action because he is not a licenced attorney. E.D. Cal. L.R.
22 180(b). Plaintiff has properly corrected the defect in the
23 original pleading by filing an amended complaint *in pro per*, and
24 the grant of conditional permission to use the court's e-filing

25 expansive filings, either in number or volume, [its] order
26 [would] be vacated."

27 ² Because oral argument will not be of material
28 assistance, the court orders this matter submitted on the briefs.
E.D. Cal. L.R. 230(g).

1 system is warranted under the circumstances.

2 Accordingly, plaintiff's motion for reconsideration is
3 DENIED.

4 IT IS SO ORDERED.

5 DATED: April 28, 2010



FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE

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