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

STEVEN K. ZINNEL,

Plaintiff,

No. CIV S-10-2406 GEB DAD PS

v.

CITIMORTGAGE, INC. and
CR TITLE SERVICES, INC.

ORDER

Defendants.

_____/

Plaintiff's pending motions for leave to file documents electronically in this case (Doc. No. 16¹) and for an order allowing plaintiff to record a notice of lis pendens (Doc. No. 17) were recently re-set for hearing on November 12, 2010. By this order, the court rules on both of plaintiff's motions and drops them from the court's November 12, 2010 calendar.

In support of his motion for leave to electronically file documents, plaintiff declares under penalty of perjury that he has had a PACER account for many years, is familiar with the procedures for accessing court files on PACER, has an e-mail account and all computer equipment, including a scanner, required for electronic filing, agrees to take the Electronic Case Filing (ECF) Tutorial on the court's website, consents to receive service electronically, waives

¹ Plaintiff's first motion for leave to file documents electronically, which was noticed for hearing before the assigned district judge, was withdrawn by plaintiff. (Doc. Nos. 14 & 15.)

1 his right as a pro se litigant to receive service of documents by first class mail, understands that
2 the procedures that govern electronic filing can be found on the court's website in the Local
3 Rules² and the CM/ECF User's Manual, agrees to follows those procedures, and acknowledges
4 that failure to abide by the procedures may result in termination of electronic filing privileges.

5 Although the Eastern District of California is an electronic management/filing
6 district, parties proceeding pro se are required to file and serve paper documents unless the
7 assigned Judge or Magistrate Judge grants leave to utilize electronic filing. Local Rule 133(a) &
8 (b)(2). Requests to use electronic filing as an exception to the rule

9 shall be submitted as stipulations as provided in L.R. 143 or, if a
10 stipulation cannot be had, as written motions setting out an
11 explanation of reasons for the exception. Points and authorities are
12 not required, and no argument or hearing will be held.

13 Local Rule 133(b)(3). Here, plaintiff's written motion was filed prior to the filing of any
14 document by defendants. The court finds it appropriate to grant the unopposed motion without
15 hearing argument.

16 Plaintiff's motion for an order allowing him to record a notice of lis pendens in
17 Sacramento County was also filed before defendants filed any document in the case. In findings
18 and recommendations filed October 14, 2010, the undersigned found that plaintiff's motion for a
19 temporary restraining order had been rendered moot by facts set forth in a declaration filed by
20 defendants' counsel on September 28, 2010. Plaintiff's mortgage loan had been reinstated, and a
21 Notice of Rescission of Notice of Default had been executed by defendant CR Title Services, Inc.
22 and recorded in the records of Sacramento County on September 27, 2010. A copy of the
23 recorded Notice of Rescission revealed that the previously recorded Declaration of Default and

24 ² In his motion for leave to utilize electronic filing, plaintiff cites "Local Rule 9014-
25 1(f)(1)(ii)" regarding opposition to motions. Plaintiff is advised that the United States District
26 Court for the Eastern District of California has no local rules that have been assigned four-digit
numbers. The rule that governs general motion practice in the Eastern District of California is
Local Rule 230, while discovery motions are governed by Local Rule 251. The local rules of
other courts may not be relied upon or cited in papers filed in this court.

1 Demand for Sale and the Notice of Breach and Election to Cause Sale were rescinded, cancelled
2 and withdrawn. Neither party filed objections to the findings and recommendations, which have
3 been forwarded to the assigned district judge for consideration. In light of the changed
4 circumstances described in the findings and recommendations, and upon consideration of the
5 arguments asserted by defendants in opposition to plaintiff's motion, the undersigned takes the
6 motion under submission on the record and the briefs on file. See Local Rule 230(g). On the
7 present record, the undersigned finds it inappropriate to issue an order allowing plaintiff to record
8 a notice of lis pendens.

9 For the reasons set forth in this order, IT IS ORDERED that:

10 1. Plaintiff's September 23, 2010 motion for leave to file documents
11 electronically in this case (Doc. No. 16) is granted, and plaintiff shall register to file documents
12 electronically as soon as possible;

13 2. Plaintiff's September 23, 2010 motion for an order allowing him to record a
14 notice of lis pendens (Doc. No. 17) is denied without prejudice; and

15 3. Plaintiff's motions (Doc. Nos. 16 & 17) are dropped from the court's
16 November 12, 2010 law and motion calendar.

17 DATED: November 4, 2010.

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20 _____
21 DALE A. DROZD
22 UNITED STATES MAGISTRATE JUDGE

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