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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC LEROY NELSON,  
  
                                Plaintiff,  
  
                        v.  
  
MARIA CARMEN NELSON and  
JAYALAKSHMI BADIGA,  
  
                                Defendants.

No. 2:17-cv-1333-TLN-EFB PS

ORDER

The parties have filed a stipulated request that plaintiff, who is proceeding pro se, be authorized to use the court’s Case Management and Electronic Case File (“CM/ECF”) system. ECF No. 19. The Local Rules provide that “[a]ny person appearing pro se may not utilize electronic filing except with the permission of the assigned Judge or Magistrate Judge.” E.D. Cal. L.R. 133(b)(2). “Requests to use paper or electronic filing as exceptions from these Rules shall be submitted as stipulations as provided in L.R. 143 or, if a stipulation cannot be had, as written motions setting out an explanation of reasons for the exception. Points and authorities are not required, and no argument or hearing will normally be held.” E.D. Cal. L.R. 133(b)(3).

Plaintiff’s declaration in support of the stipulation asserts that he has been prejudiced by a delay in receiving paper filed documents because his work schedule only allows him to pick up his mail from the post office once a week. This representation provides a sufficient basis for

1 permitting him to file electronically. However, neither the parties' stipulation nor plaintiff's  
2 declaration address whether plaintiff has consented to receiving electronic service. *See* E.D. Cal.  
3 L.R. 135(b) and (e). The court is not inclined to grant the request absent plaintiff's written  
4 consent to accept electronic service and waiver of any right to service by first class mail pursuant  
5 to Federal Rule of Civil Procedure 5(b)(2)(C).

6 Accordingly, it is hereby ORDERED that the parties' stipulation to permit plaintiff to file  
7 electronically (ECF No. 19) is denied without prejudice to its renewal with plaintiff's consent, in  
8 writing, to receive electronic service and his waiver of the right to service by first class mail  
9 pursuant to Federal Rule of Civil Procedure 5(b)(2)(C).

10 DATED: October 16, 2017.

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12 EDMUND F. BRENNAN  
13 UNITED STATES MAGISTRATE JUDGE  
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