

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEONARD PICKMAN,

Plaintiff,

v.

MICHAEL ASTRUE, COMMISSIONER OF
SOCIAL SECURITY,Defendant.

No. C 08-02762 CW

ORDER REGARDING E-
FILING AND SETTING
DEADLINE FOR
PLAINTIFF'S REPLY

On November 11, 2008, pro se Plaintiff Leonard Pickman moved to be allowed to e-file. On November 21, 2008, the Court issued an order taking the motion under submission, explaining that, in order to qualify for e-filing, Plaintiff had to file a declaration stating that he has reviewed General Order 45 and the requirements for e-filing and that he is able to comply with all the requirements for e-filing. On December 1, 2008, Plaintiff filed a declaration stating that he reviewed General Order 45 and that he meets all the requirements for e-filing. On December 5, 2008, the Court granted Plaintiff's motion to e-file. On December 15, 2008, Plaintiff filed his motion for summary judgment. On January 13, 2009, Defendants e-filed their opposition. On February 11, 2009, Plaintiff filed a document titled, "Lack of Service of Defendant Cross-Motion For Summary Judgment," in which he states that he was not served with Defendant's opposition and, thus, he could not file his reply. On February 12, 2009, Erik Chinn, counsel for

1 Defendant, filed a declaration stating that, when he learned that
2 Plaintiff was not served with Defendant's memorandum through the
3 ECF system, he served Plaintiff with the memorandum by first class
4 mail.

5 General Order 45 explains the duties and responsibilities of a
6 party that is designated as an Electronic Case File (ECF) user, as
7 Plaintiff requested that he be designated. However, Plaintiff has
8 not complied with General Order 45 because he has not registered to
9 become an ECF user and apparently is not aware that after a case is
10 designated for e-filing, service is accomplished through the e-
11 filing of a document.

12 Therefore, Plaintiff is to re-read General Order 45. If he
13 determines that he cannot comply with its requirements, he must
14 submit a declaration so indicating and the case will be designated
15 as a non-e-filing case. Plaintiff must file this declaration
16 within one week from the date of this order.

17 If Plaintiff does not file a declaration, he must comply with
18 General Order 45 and register as an ECF user so that he may be
19 assigned a user ID and password for access to the ECF system.

20 In any event, Plaintiff's reply must be filed with the Court,
21 either electronically or manually, within three weeks from the date
22 of this order.

23 IT IS SO ORDERED.

24
25 Dated: 2/24/09



26 CLAUDIA WILKEN
27 united States District Judge
28

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 LEONARD PICKMAN,

5 Plaintiff,

6 v.

7 COMMISSIONER OF SOCIAL SECURITY et
8 al,

9 Defendant.

Case Number: CV08-02762 CW

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
11 Court, Northern District of California.

12 That on February 24, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
15 located in the Clerk's office.

16 Leonard Pickman
17 963 Diaz Lane
18 Foster City, CA 94404

Dated: February 24, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk