

1 him or in favor of any adverse party, such judge shall proceed no
2 further therein, but another judge shall be assigned to hear such
proceeding.

3 "The affidavit shall state the facts and the reasons for the belief that
4 bias or prejudice exists, and shall be filed not less than ten days
5 before the beginning of the term at which the proceeding is to be
6 heard, or good cause shall be shown for failure to file it within such
time. A party may file only one such affidavit in any case. It shall
be accompanied by a certificate of counsel of record stating that it
is made in good faith."

7 The judge being recused may only review the affidavit to determine if it is legally
8 sufficient. United States v. Montecalvo 545 F.2d 684, 685 (9th Cir. 1976). After making that
9 determination the judge can proceed no further and the motion must be assigned to another judge
10 for determination of its merit. United States v. Sibla 624 F.2d 864, 869 (9th Cir. 1980).

11 I, therefore, demand Judge Sandra Brown Armstrong be recused pursuant to 28 U.S.C.
12 Sec. 144, and that this case be assigned to another judge.

13 AFFIDAVIT OF PLAINTIFF

14 I, James Chaffee, hereby declare as follows:

15 1. I am the plaintiff in the above entitled action. I have personal knowledge of the
16 facts and circumstances set forth below and if called I could testify competently thereto.

17 2. On January 31, Judge Armstrong issued an order denying leave to e-file in the
18 above referenced matter, stating in pertinent part: "Plaintiff has failed to show good cause as to
19 why leave should be granted."

20 3. By notice of the court this case has been designated as a mandatory e-filing case
21 pursuant to Local Rule 5-4 and General Order 45. By such designation the court itself has
22 mandated the good cause for e-filing. Once the case has been designated as an e-filing case the
23 litigant is merely asking for leave to participate in the case. Neither Local Rule 5-4 and General
24 Order 45 makes any mention of "good cause."

25 4. The information available to pro se litigants on the court's website states:

26 Q. What should the motion [to e-file] say?

27 A. There is no specific language for this motion. You are simply
28 requesting the judge to grant permission for you to e-file on your
case. You may phrase this any way you wish.

Exhibit A

ECF Registration - Pro Se Only

Last updated: 08/12/09

Attorneys please go **HERE**.

If you are representing yourself in a legal matter you are proceeding *pro se* ("on one's own behalf"). As of 04/08/2003, *pro se* parties may be allowed to e-file in their e-filing case, but they must first obtain approval of the judge assigned to their case.

Parties proceeding *Pro Se* must follow all procedures and policies of the court, but may not use the online registration. Instead they must use the registration form found below.

~ Again ~

**Do not use the attorney ECF registration process,
use the process on this page.**

Here are the steps required for a *pro se* party to e-file:

1. The *pro se* party must be able to meet all the technical requirements.
2. The *pro se* party must abide by all e-filing and other rules and orders of the court.
3. The *pro se* party must submit a motion to the court to be allowed to e-file on their case.
4. **ONLY AFTER** the judge grants the motion AND that order appears on the docket may the *pro se* party submit the registration form located below (do not use the attorney ECF registration process). **Please follow all the instructions on the form carefully.**
5. The *pro se* party **must** also register for a PACER account in order to view the docket and retrieve available documents (the ECF login will only allow you to submit documents). You **must have both** an ECF *and* a PACER account in order to fully utilize the ECF system.

What happens next:

- As it states clearly on the registration form, the court must receive both the ink-signed hard-copy and an emailed "soft-copy" of the form. When the registration form is received via email AND delivery (*both*), the ECF Helpdesk will validate the following:
 - All mandatory fields on the form must be complete.
 - The *pro se* party must be listed in ECF on the case mentioned on the form.
 - The order granting the motion for the *pro se* party to e-file must already appear on the docket.

 - The ECF Helpdesk will then process the registration and the *pro se* party will receive their e-filing password via email about 3 days after the signed registration form has been received at the court.
-

FAQs Regarding Pro Se E-Filing Registrations:

Q. **Why do I have to file a motion with the court to e-file?**

A. This district requires all *pro se* parties to seek approval from the court to e-file for each case they are on.

Q. **Do I have to wait for the Judge to grant my motion to e-file before submitting my registration form?**

A. **YES**, you must wait for the judge to approve you for e-filing **before** sending in your registration form. The e-filing registration form includes a mandatory section for the date the judge approves your motion to e-file. The ECF Helpdesk must confirm this date in order to complete the registration.

Q. **How do I file a motion to e-file?**

A. A "motion to e-file" is just a standard court motion like any other pleading and must be filed in paper. There is no court approved form

and there is no specific language.

Q. What should the motion say?

A. There is no specific language for this motion. You are simply requesting the judge to grant permission for you to e-file on your case. You may phrase this any way you wish.

Q. Can I e-file the motion to request to e-file?

A. If you do not have an ECF login already, this would be impossible. Even if you already have an ECF login from a previous case, you must still file the motion on paper.

Q. Do I have to re-register if I am on a new case?

A. No, **but** you must still motion the court to grant you permission to e-file on each new case. Until your motion is granted, you are not permitted to e-file.

Q. As a *pro se* party, am I required to e-file?

A. No. E-filing is optional for *pro se* parties. It is offered as a convenience by the court. E-filing makes the act of filing with the court and retrieving information from the court much easier, provided you can meet the technical requirements.

The answers to many other questions, such as what you need to e-file, can be found on our main FAQ site **HERE**.

ECF Registration Forms

Attorneys please go HERE.

AVOID PROBLEMS AND DELAYS - READ ALL!!

- YOU MUST FOLLOW ALL THE INSTRUCTIONS ON THE FORM.
- THE FORM MUST BE 100% COMPLETE -
Do NOT leave any mandatory fields blank.
- YOU MUST EMAIL THE COMPLETED FORM **AND** DELIVER THE SIGNED COPY TO THE COURT AS WELL.
YOU MUST DO BOTH!
- DO NOT FILL OUT THE FORM BY HAND.
- DO NOT USE **ALL CAPS** ON THE FORM
(use standard capitalization)
- DO NOT SEND ANY OTHER ITEMS (we do not need duplicates/copies, cover letters or return envelopes).

These files need to **be saved to your computer**, then filled out AND SAVED AGAIN in the word-processing program of your choice. You will be delivering the signed form **AND** emailing the completed form (unsigned) as a .doc, .wpd or .txt attachment.

You **MUST right-click** on one of the file names below and select:

- > **Save target as...** (in Internet Explorer)
- or
- > **Save link as...** (in Netscape Navigator)

to save it locally to you computer.

ECF-REG-ProSe.doc (46KB) for Microsoft Word

ECF-REG-ProSe.wpd (38KB) for WordPerfect

ECF-REG-ProSe.txt (3KB) for plain text

-You can also copy and paste this text file into an email, fill it out and send it to ecfreg@cand.uscourts.gov

We can accept any of these formats, but
do not email as TIFF, JPEG, PDF, scanned, etc.

To return to the ECF home page, click **HERE**.

PROOF OF SERVICE BY MAIL

Chaffee v. City and County of San Francisco, et al.

I, Linda Chaffee, am employed in the City and County of San Francisco, State of California. I am over the age of 18 and not a party to the within action, my business address is: 63 Stoney brook Avenue, San Francisco, California 94104.

On February 4, 2011, I served the foregoing document described as:

**“MOTION FOR DISQUALIFICATION; POINTS AND AUTHORITIES;
AFFIDAVIT OF PARTY IN SUPPORT THEREOF”**


in the above entitled matter, in the U.S. District Court, Northern District of California,
Case No. 10-04521 SBA

on the persons interested in said action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Wayne Snodgrass, Tara Steeley
SF City Attorney
City Hall, Room 234
Civic Center
San Francisco, CA 94102

Said envelopes I then caused to be deposited in the United States Mail, postage prepaid.

Executed on February 4, 2011, at San Francisco, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Linda Chaffee

James Chaffee
63 Stoneybrook Avenue
San Francisco, CA 94112

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Northern District Court
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