

FILED

2020 OCT 23 PM 12:29

CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

EDMUNDO C.,

Plaintiff,

v.

CAROLYN W. COLVIN, Commissioner  
of Social Security,

Defendant.

) Case No.: 3:14-cv-02105-BEN-RBB

) **ORDER REQUIRING THE CLERK  
OF THE COURT TO REJECT ALL  
FUTURE FILINGS**

**I. BACKGROUND**

On September 5, 2014, Plaintiff Edmundo C.<sup>1</sup>, proceeding *pro se*, (“Plaintiff”) filed this lawsuit against the Commissioner of the Social Security Administration (the “Commissioner”) causes of action alleging that he was injured after falling of a ladder. ECF No. 1. His complaint made it unclear as to whether he did or did not file for Social Security benefits. *Compare* ECF No. 1 at 1 (“I never filed for SSI on 3/5/10” and “I never filed for 2 periods of disability on March 5”) *with* ECF No. 1 at 2 (“I called and asked for the status of my application representative told me that it had been approved . . . Social

---

<sup>1</sup> In accordance with S.D. Cal. Civ. R. 7.1(e)(6)(b), which provides that “[o]pinions by the court in these [Social Security cases] will refer to any non-government parties by using only their first name and last initial,” the Court has redacted Plaintiff’s last name and requests that the parties do so as well in any future filings.

1 Security representative said you have a claim!”). Also on September 5, 2014, a summons  
2 was issued by the Clerk of the Court. ECF No. 2.

3 On October 30, 2014, Plaintiff filed a Notice of Lawsuit and Request for Waiver  
4 of Service of Summons. ECF No. 4. There was no indication that Plaintiff ever served  
5 the Commissioner, and the Commissioner never made an appearance in this lawsuit.

6 On March 13, 2015, after five months of inactivity, this Court issued an Order to  
7 Show Cause Why the Case Should Not Be Dismissed for failure to serve the  
8 Commissioner within 120 days of filing the Complaint in accordance with Federal Rule  
9 of Civil Procedure 4(m). ECF No. 5; *see also* FED. R. CIV. P. 4(m) (providing that “[i]f  
10 a defendant is not served within 90 days after the complaint is filed, the court—on motion  
11 or on its own after notice to the plaintiff—must dismiss the action without prejudice  
12 against that defendant or order that service be made within a specified time”); *see also*  
13 S.D. Cal. Civ. R. 4.1(a)-(b) (providing that “[s]ervice of process . . . must be performed  
14 in accordance with Rule 4, Fed. R. Civ. P.,” but if “[o]n the one hundredth (100th) day  
15 following the filing of the complaint . . . proof of service has not yet been filed, the clerk  
16 will prepare an order to show cause with notice to plaintiff why the case should not be  
17 dismissed without prejudice”). The Court specified how Plaintiff could effectively serve  
18 Defendant. ECF No. 5. Plaintiff was expressly warned that if he did not respond to the  
19 Order by April 3, 2015, or if his response did not adequately explain why the  
20 Commissioner had not yet been served, his case would be dismissed. *Id.*

21 On April 2, 2015, the Order to Show Cause was returned by the post office as  
22 undeliverable. ECF No. 8. Of the seven filings Plaintiff sent to the Court since the Order  
23 to Show Cause was issued, only one, dated May 28, 2015, included a return address for  
24 Plaintiff. ECF No. 16. The Court re-mailed the March 13 Order on May 28, 2015.

25 Since the March 13, 2015 Order, Plaintiff began frequently sending letters and civil  
26 cover sheets to the Court. Yet, none of the filings discuss any reasons for Plaintiff’s  
27 failure to serve the Commissioner. For example, on March 30, 2015, Plaintiff sent a  
28 “corrected” civil cover sheet and a letter explaining how the previous civil cover sheet

1 was incorrect. ECF No. 7. On April 1, 2015, Plaintiff sent another, nearly identical, civil  
2 cover sheet and a letter stating, "ATTN: United States District Court. No Comments.  
3 Thank you. -U.S [sic] District Court." ECF No. 10. On May 19, 2015, Plaintiff filed a  
4 Notice of Award letter from the Social Security Administration and a pay stub. ECF No.  
5 12. On June 10, 2015, Plaintiff filed another civil cover sheet without any explanation.  
6 ECF No. 18. Plaintiff's filings were and are insufficient to explain Plaintiff's failure to  
7 comply with the Federal Rules or the Court's March 13 Order. As such, on June 26, 2015,  
8 after ten months had passed since Plaintiff filed his Complaint, but he had still not served  
9 the Commission, the Court dismissed Plaintiff's case pursuant to Rule 4(m). ECF No.  
10 19.

11 Since the Court dismissed Plaintiff's Complaint, he has attempted to submit  
12 documents to the Court more than 200 times. However, Rule 5.1(h) provides that "no  
13 document will be filed in any case by any person not a party thereto." S.D. Cal. Civ. R.  
14 5.1(h). Given this case has been dismissed, there are no parties to this case, and there is  
15 no case pending before the Court.

16 Pursuant to Local Rule 5.1(c), "[t]here must be no . . . erasures or interlineations  
17 on a document unless they are noted by the clerk or judge by marginal initials at the time  
18 of filing." S.D. Cal. Civ. R. 5.1(c). Some of Plaintiff's submissions have interlineations,  
19 and thus, violate this rule.

20 Another local rule requires that documents filed in a social security case are not to  
21 use the social security applicant's last name or include the applicant's full Social Security  
22 Number. S.D. Cal. Civ. R. 7.1(3)(6). All of Mr. Plaintiff's filings contain confidential,  
23 sensitive information but do not provide information regarding what Plaintiff's would like  
24 the Court to do with the information he sends. The most recent submission, like many  
25 others, contains Plaintiff's full Social Security Number, along with the full Social Security  
26 Number of his spouse and his full bank account number. This violates Local Rule 7.1.  
27 Further, by accepting documents containing Plaintiff's confidential information (e.g., his  
28 Social Security Number and bank account numbers), this information would become

1 public record, which would be improper and put his information at risk of being stolen.

2 **II. ORDER**

3 Pursuant to Rule 5.1(f), “[u]nless a waiver is first obtained from the court, the clerk  
4 must not file any document which does not comply with the requirements of these rules.”  
5 Because Plaintiff’s documents do not comply with these rules, the documents Plaintiff  
6 sends to the Court have continuously been rejected. Nonetheless, Plaintiff has continued  
7 to send documents to the Court for over five years, despite being informed the documents  
8 would continue to be rejected as the case has been dismissed. This has resulted in a drain  
9 of judicial resources that could be provided to active cases in which the plaintiffs  
10 complied with their requirements to serve the defendants.

11 Accordingly, the Court orders as follows:

12 1. Plaintiff is ordered to stop submitting documents to the Court related to Case  
13 No. 3:14-cv-02105-BEN-RBB, which was dismissed on June 26, 2015. Plaintiff’s case is  
14 closed, and the Court reiterates to Plaintiff that any documents submitted to the Court in  
15 violation of this order will be rejected given the case has been closed for over five years.  
16 The dismissal of Plaintiff’s case was without prejudice, and as such, he may file a new  
17 lawsuit at any time, in which he may submit filings in that case. However, any filings in  
18 this case, which is closed, will continue to be rejected.

19 The Clerk of the Court is hereby ordered to:

- 20 1. reject any future filings by Plaintiff and return them to sender and  
21 2. provide notice of this order to Plaintiff.

22 **IT IS SO ORDERED.**

23 DATED: October *14*, 2020

  
HON. ROBERT T. BENITEZ  
United States District Judge