

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ANTON EWING,

Plaintiff,

v.

INTEGRITY CAPITAL SOLUTIONS,
INC., et al.,

Defendant.

Case No.: 16-cv-1469 JLS MDD

**ORDER DENYING WITHOUT
PREJUDICE DEFENDANT HARVEY
SCHOLL’S MOTION FOR
PERMISSION FOR ELECTRONIC
CASE FILING**

(ECF No. 56)

Presently before the Court is Defendant Harvey Scholl’s Motion for Permission for Electronic Case Filing (“Mot.,” ECF No. 56). After considering Defendant’s arguments and the law, the Court **DENIES WITHOUT PREJUDICE** Defendant’s Motion.

Generally, “[e]xcept as prescribed by local rule, order, or other procedure, the Court has designated all cases to be assigned to the Electronic Filing System.” Civ. L.R. 5.4(a). With respect to pro se litigants, however, “[u]nless otherwise authorized by the court, all documents submitted for filing to the Clerk’s Office . . . must be in legible, paper form.” Office of the Clerk, United States District Court for the Southern District of California, *Electronic Case Filing Administrative Policies and Procedures Manual*, § 2(b) (2018). “A pro se party seeking leave to electronically file documents must file a motion and demonstrate the means to do so properly by stating their equipment and software

1 capabilities in addition to agreeing to follow all rules and policies in the CM/ECF
2 Administrative Policies and Procedures Manual.” *Id.* The manual refers to the Court’s
3 official web site for CM/ECF technical specifications, *id.* at § 1(i), which include a
4 “[c]omputer running Windows or Macintosh”; “[s]oftware to convert documents from a
5 word processor format to [PDF],” such as “Adobe Acrobat 7.0 and higher”; “PDF
6 compatible word processor like WordPerfect or Word”; “Internet access supporting a
7 transfer rate of 56kb or higher”; a compatible browser, such as Firefox 15.x, Internet
8 Explorer 9.x, or Safari 5.1/6.x; and a “[s]canner to image non-computerized documents
9 400 pixels per inch (ppi).” United States District Court, Southern District of California,
10 CM/ECF: General Info, <https://www.casd.uscourts.gov/CMECF/SitePages/Home.aspx>
11 (last visited Oct. 9, 2018).

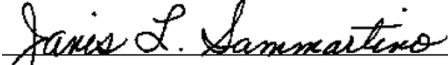
12 Although Mr. Scholl has provided some information concerning his computer
13 equipment and software,¹ *see* Mot. at 1–2, he has not provided sufficient information for
14 the Court to assess whether they meet the required technical specifications. Accordingly,
15 the Court **DENIES WITHOUT PREJUDICE** Defendant’s Motion (ECF No. 56). *See,*
16 *e.g., Hucul v. Mathew-Burwell*, No. 16-CV-1244 JLS (DHB), 2016 WL 3917366, at *1
17 (S.D. Cal. July 20, 2016) (denying without prejudice plaintiff’s CM/ECF motion where
18 plaintiff demonstrated that his equipment and software met most of the technical
19 specifications, but where it was unclear whether his internet browser was compatible and
20 whether his computer had a “PDF compatible word processor like WordPerfect or Word”);
21 *Procopio v. Conrad Prebys Trust*, No. 14CV1651 AJB KSC, 2015 WL 4662407, at *8
22 (S.D. Cal. Aug. 6, 2015) (denying motion for electronic filing access where plaintiff “does
23
24

25 ¹ For example, Mr. Scholl indicates he has “[a] computer with internet access,” *see* Mot. at 1, but fails to
26 indicate whether he has a compatible browser. *See* United States District Court, Southern District of
27 California, CM/ECF: General Info, <https://www.casd.uscourts.gov/CMECF/SitePages/Home.aspx> (last
28 visited Oct. 9, 2018). Similarly, Mr. Scholl mentions that he has “[a] scanner to convert documents that
are only in paper format into electronic files,” *see* Mot. at 2, but fails to specify whether his scanner can
scan at 400 ppi. *See* United States District Court, Southern District of California, CM/ECF: General Info,
<https://www.casd.uscourts.gov/CMECF/SitePages/Home.aspx> (last visited Oct. 9, 2018).

1 not provide sufficient information [as required in the CM/ECF Administrative Policies and
2 Procedures Manual] for the Court to grant his request”); *Rojas-Vega v. U.S. Citizenship*
3 *Immigration Serv.*, No. 13-CV-172-LAB, 2013 WL 2417937, at *3 (S.D. Cal. May 31,
4 2013) (“It is incumbent on [movant] to show he is able to file documents electronically,
5 and reliably receive electronic notices, and his motion fails to do that.”).

6 **IT IS SO ORDERED.**

7
8 Dated: October 10, 2018


9 Hon. Janis L. Sammartino
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28