

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

WARREN HEIT AND DEB HEIT,

Plaintiffs,

v.

SCOTT LIVINGSTON AND SHARI
LIVINGSTON,

Defendants.

Case No. 2:23-cv-00507-BLW

**MEMORANDUM DECISION
AND ORDER**

Before the Court is a Request to File Pleadings with and Receive Notices from the Court's Electronic Case Filing (ECF) System filed by the pro se Plaintiffs, Warren Heit and Deb Heit. Dkt. 7. The Defendants, Scott Livingston and Shari Livingston, have not responded. The Plaintiffs represent that the Defendants do not oppose the motion. *Id.*

Federal Rule of Civil Procedure 5(d)(3)(B) allows a person not represented by an attorney to file and sign documents electronically if allowed by court order or local rule. While an unrepresented individual may obtain the Court's permission to file his or her submissions electronically using the CM/ECF system, such authorization is typically denied unless the pro se party makes a showing of good

cause or extenuating circumstances justifying such relief. *See, e.g., McMahon v. Cleveland Clinic Found. Police Dep't*, 455 F. App'x 874, 878 (11th Cir. 2011) (affirming district court's denial of pro se plaintiff's access to CM/ECF because plaintiff did not show good cause); *Heiney v. Moore*, 2021 WL 5396058, at *2–3 (N.D. Ohio Nov. 18, 2021) (denying pro se plaintiff's access to CM/ECF for lack of extenuating circumstances).

In this case, Mr. Heit and Ms. Heit request CM/ECF access because filing, and receiving notice of, court documents personally or via physical mail “is costly and causes delay.” *Pl. 's Mot.*, Dkt. 7. They argue that they “are at a distinct disadvantage where Defendants are able to file pleadings instantly via ECF” *Id.* The Court finds that, consistent with the command of Rule 1, granting the motion is appropriate to reduce cost and delay. Accordingly, the Court will grant the Plaintiffs' request, but require that they complete any training which the Court provides for registered CM/ECF users. *See* Dist. Idaho L. Civ. Rule 5.1(f).

ORDER

IT IS HEREBY ORDERED that the Plaintiffs' motion to file electronically (Dkt. 7) is **GRANTED**. The Plaintiffs must comply with the training requirements provided by Local Civil Rule 5.1(f).



DATED: March 28, 2024

B. Lynn Winmill

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U.S. District Court Judge