

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

STEVEN C. EDWARDS,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

8:16-CV-157

MEMORANDUM AND ORDER

This matter is before the Court on the plaintiff's application to proceed in forma pauperis (filing 2) and "Request from Requirement to Participate in the CM/ECF Filing System" (filing 4). The application to proceed in forma pauperis will be granted, as plaintiff's application demonstrates that the plaintiff is eligible to proceed in forma pauperis. But the request to be exempted from CM/ECF requirements will be denied.

Pursuant to this Court's local rules, attorneys filing new civil cases are required to open the cases using CM/ECF, and "[a]ll documents must be filed electronically." [NECivR 5.1\(b\)](#). A district court may, by local rule, require electronic filing if "reasonable exceptions" are allowed. [Fed. R. Civ. P. 5\(d\)\(3\)](#). The Court must recognize the need to make exceptions when requiring electronic filing imposes a hardship on a party. [Fed. R. Civ. P. 5](#) advisory committee's note to 2006 amendment. This Court's local rules expressly permit exceptions for *pro se* parties, cases under seal, evidence that cannot be filed electronically, and cases or documents excepted by statute or rule. [NECivR 5.1\(c\)](#). Those are reasonable exceptions, but none apply here.

The rules also provide for an exception when "an attorney applies for and receives permission from . . . the assigned judge to file documents nonelectronically." [NECivR 5.1\(c\)\(5\)\(B\)](#). The Court declines to give such permission here. It is not unreasonable to expect an attorney practicing before this Court to comply with its filing requirements.

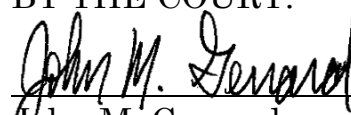
The Court will direct the plaintiff's counsel to comply with [NECivR 5.1\(b\)](#), and will further direct the Clerk of the Court to refuse further filings in this case not filed in compliance with [NECivR 5.1](#). See *Jones v. Family Health Centers of Baltimore, Inc.*, 307 F.R.D. 457, 458-59 (D. Md. 2015).

IT IS ORDERED:

1. Plaintiff's application to proceed in forma pauperis (filing 2) is granted, and the complaint shall be filed without payment of fees.
2. The Clerk of the Court shall send a copy of this memorandum and order and a copy of [General Order No. 2015-05](#), together with three [summons forms](#) and three copies of [Form 285](#), to the plaintiff's attorney of record for service of process on the United States.
3. If requested to do so, the United States Marshal shall serve all process in this case without prepayment of fees from the plaintiff. In making such a request, plaintiff's counsel must complete the Marshal's [Form 285](#), to be submitted to the Marshal with the completed summons forms and copies of the complaint. Without those forms, service of process by the Marshal cannot occur.
4. This order is entered without prejudice to the Court later entering an order taxing costs in this case. No one, including any plaintiff, is relieved by this order from the obligation to pay or to reimburse taxable costs after this action is over.
5. The plaintiff's "Request from Requirement to Participate in the CM/ECF Filing System" (filing 4) is denied.
6. The plaintiff's counsel is directed to comply with [NECivR 5.1](#) when filing documents in this case.
7. Notice of remaining filings in this case will be provided to counsel electronically.
8. The Clerk of the Court is directed to refuse future filings in this case that are presented nonelectronically unless they fall within the scope of [NECivR 5.1\(c\)](#).

Dated this 14th day of April, 2016.

BY THE COURT:



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John M. Gerrard  
United States District Judge