

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHRISTOPHER M. MURPHY,

Plaintiff,

v.

OTTAVIO CAMPANELLA, et al.,

Defendants.

DECISION & ORDER

18-CV-6572FPG

By letter motion dated August 12, 2021, the plaintiff, Christopher M. Murphy, requests permission to use the Court's electronic case filing system ("CM/ECF").¹ (Docket # 37). For the reasons that follow, the motion is granted.

Rule 5 of the Federal Rules of Civil Procedure provides that a *pro se* litigant "may file electronically only if allowed by court order or by local rule." Fed. R. Civ. P. 5(d)(3)(B)(i). The Local Rules of Civil Procedure incorporate by reference the Court's CM/ECF Administrative Procedures Guide ("the Guide"), which in turn provides the requirements and procedures for electronic filing. *See* W.D.N.Y. Local Rule 5.1(a). The Guide allows the Court, in its discretion, to "grant a *pro se* litigant who demonstrates a willingness and capability to file documents electronically, permission to register to do so." W.D.N.Y. Administrative Procedures Guide for Electronic Filing, Administrative Procedures. Such permission, however, may be "revoked at any time." (*Id.*).

¹ Murphy requested permission to file electronically in three civil cases currently pending in this district. This Order only addresses the motion in this case. The Court will issue separate orders in the other pending cases.

Attached to his letter motion is an application for permission to register to use the Court's electronic case filing system. (*Id.*). In that application, Murphy provides the information outlined in Section 1(C) of the Guide, including his name, address, telephone number, and two internet email addresses, each of which he represents supports Adobe Acrobat and HTML messages. (*Id.*). He also represents that he has reviewed the Court's Administrative Procedures Guide for Electronic filing and that he agrees to abide by the Court rules, orders, policies and procedures governing the use of the Court's electronic filing system. (*Id.*). Having considered Murphy's submission, his motion for permission to file electronically in this case through CM/ECF (**Docket # 37**) is **GRANTED**, subject to the following conditions:

Murphy shall (1) contact the Clerk's Office at (585) 613-4000, to verify the email address for his receipt of electronic notices of filings in this case and to obtain instructions on accessing and viewing documents received in email notifications; and, (2) familiarize himself with and abide by the rules and procedures in the Guide. As noted above, this permission may be revoked by the Court at any time and the Court will do so if the privilege is abused or the pertinent rules and procedures are violated.

On or before, **September 16, 2021**, Murphy shall file an affirmation in this matter representing that (1) he has satisfied the above conditions, including receiving instructions on accessing and viewing documents received in email notifications; (2) he consents to electronic services of all documents and understands that he will no longer receive notices and documents by regular mail; (3) he understands that it is his responsibility to ensure that his CM/ECF User Account information is current, particularly his email contact information, and that failure to do so may result in adverse consequences (*e.g.*, missed notifications and deadlines) and may result in revocation of permission to file electronically; (4) he understands the technical requirements

necessary to file and receive documents electronically and has regular access to necessary technology including internet, email, word processing software, scanner/printer/copier, and .pdf reader/writer; (5) he understands that he may file a document manually with the Clerk's Office, if necessary; and, (6) he understands that he may withdraw from participation in the Electronic Filing System by submitting a written request. Until the affirmation is filed, defendants shall continue to mail to the plaintiff copies of all documents and attachments filed through CM/ECF.

IT IS SO ORDERED.

s/Marian W. Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
August 17, 2021