

FILED

SEP 28 2016

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *YK* DEPUTY

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

In the matter of)
) General Order No. 653
RULES OF PROCEDURE FOR THE)
ELECTRONIC SUBMISSION OF)
LITIGATION BY PLAINTIFFS)
INCARCERATED AT CERTAIN)
IDENTIFIED CDCR FACILITIES)
_____)

This General Order for the United States District Court for the Southern District of California, describes a program in which the Court and California Department of Corrections and Rehabilitation (CDCR) have agreed to participate in a pilot program whereby initial pleadings submitted by prisoners in civil rights cases under 42 U.S.C. § 1983 are electronically filed. As part of this pilot program, CDCR agrees to collaborate with the Court to include specifically identified CDCR facilities (currently comprised of R.J. Donovan Correctional Facility) in the pilot program. This pilot program is designed to reduce the cost and delay in processing court filings in civil rights cases brought by incarcerated plaintiffs under 42 U.S.C. § 1983.

As part of the pilot program, the following applies:

Scope:

1. This General Order only applies to cases brought by incarcerated plaintiffs housed at the participating facility at the time of the initial filing who assert claims under 42 U.S.C. § 1983, and only applies to cases filed by prisoners proceeding *in forma pauperis* in the Southern District of California. This General Order does not apply to claims challenging the fact or duration of confinement, or other matters not herein authorized.
2. This General Order only applies to initial filings by plaintiffs, defined as the

complaint, an application to proceed *in forma pauperis* without prepayment of fees, a motion seeking relief from this General Order, and a motion to exceed the page limits (initial documents). Any initial documents received from a participating facility that are not in conformance with this General Order will be accepted by the Clerk of the Court for filing and docketed, but may be stricken by Court order as authorized by Local Civil Rule 83.1. After the initial filings, all other filings will be mailed and comply with the Local Rules for the United States District Court for the Southern District of California and any subsequent orders issued by this Court.

Procedures for Filing:

3. Plaintiffs will provide their complaint and any other initial documents to CDCR in conformity with its procedures for the electronic filing of initial documents, including any applicable procedures for paying for photocopies. Plaintiff is required to pay for photocopies according to the applicable CDCR policies and procedures.
4. To facilitate compliance with Federal Rule of Civil Procedure 8(a)(2) (requiring that a pleading contain “a short and plain statement of the claim showing that the pleader is entitled to relief”) and to reduce costs and delays associated with processing complaints, the Court will enforce Local Civil Rule 8.2(a), which prohibits pro se complaints by prisoners from exceeding twenty-two (22) pages, consisting of the seven (7) page form complaint, plus no more than fifteen additional pages. A plaintiff may add exhibits to the complaint by mail, after the complaint has been accepted for filing and assigned a case number. Plaintiffs will mail any exhibits to the Court, with a cover sheet clearly indicating the case number, within ten (10) days of receiving a Notice of Electronic Filing (NEF) and the case number from the Court.
5. Plaintiffs are also authorized to include with the initial documents the following: motions to proceed *in forma pauperis*, motions to increase the page limit, and motions for emergency relief from this General Order. These additional initial documents will not cumulatively exceed twenty (20) pages, which will be in addition to the page limit for the complaint.
6. In the event a plaintiff moves the Court to file a complaint in excess of the

page limit, he or she will include the motion with the proposed complaint to the Court and will demonstrate his or her need to exceed the page limitation.

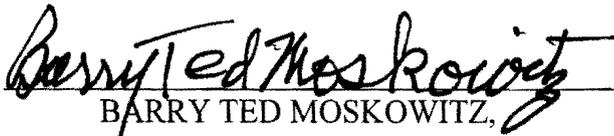
7. CDCR staff will scan all initial documents into a pre-programmed digital sender, which will scan and convert the documents to a .pdf format. On the front page of each separate filing, CDCR staff will stamp the document indicating that the document has been scanned and e-mailed, along with the date the documents were e-mailed. After the documents are scanned, the original documents will be returned to the plaintiff and CDCR will promptly e-mail the documents to the Clerk of the Court for filing. If the scanning equipment is inoperable for a period of longer than forty-eight (48) hours, the initial documents may be submitted to the Clerk of the Court by mail, together with a civil cover sheet, signed by CDCR staff, stating that the scanning equipment has been inoperable for a period of longer than forty-eight (48) hours.
8. The Court, through the Clerk of the Court, will retrieve the e-mailed documents from CDCR, conduct a readability review, and file them in the Case Management Electronic Case Filing system (CM/ECF). The Court will e-mail an NEF, confirming receipt of the filed document to an e-mail address established by CDCR. CDCR staff will deliver the NEF and the original copy of the scanned complaint and initial documents to the plaintiff. After this initial filing, all other documents to be filed will be filed and served through the mail in accordance with CDCR procedures regarding legal mail, the Local Rules of this Court, and other applicable law.
9. The participating facility will establish an e-mail address at which CDCR staff can retrieve the Court's e-mails and other court-issued initial filings. CDCR staff will retrieve this information and any attached documents from the Court's e-mail, and print and deliver them to the incarcerated plaintiff. If the incarcerated Plaintiff refuses delivery of the documents or is no longer at a participating facility, CDCR staff will notify the Court by e-mail and indicate the reason for non-delivery of the documents. Because the original civil complaint and other filings were returned to the plaintiff as scanned and e-mailed, the Court and CDCR are not required to provide the incarcerated plaintiff with any file-stamped copies of the initial documents filed by the plaintiff.

10. The Clerk of the Court is authorized to create any additional required forms or procedures to effectuate this General Order.

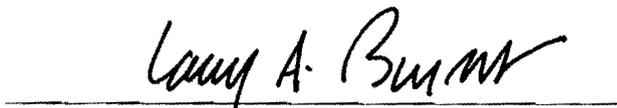
11. The effective date of this General Order is September 28, 2016.

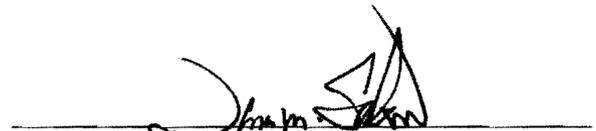
IT IS SO ORDERED.

Dated: September 22, 2016

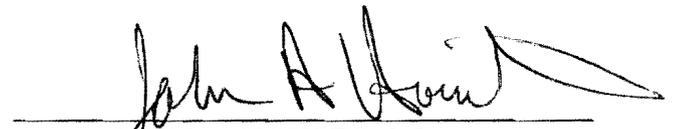

BARRY TED MOSKOWITZ,
Chief Judge
United States District Court

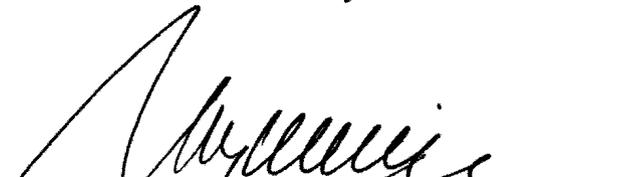

MARILYN L. HUFF, Judge
United States District Court


LARRY A. BURNS, Judge
United States District Court

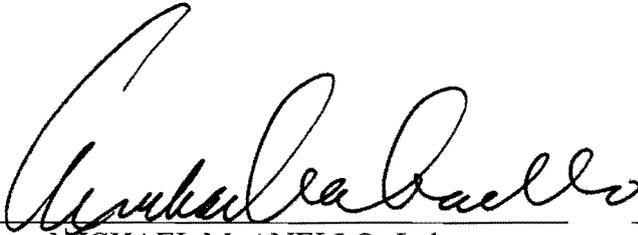

DANA M. SABRAW, Judge
United States District Court


WILLIAM Q. HAYES, Judge
United States District Court

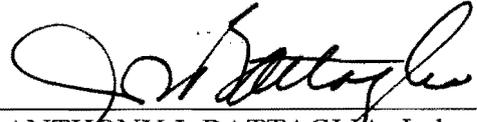

JOHN A. HOUSTON, Judge
United States District Court


ROGER T. BENITEZ, Judge
United States District Court


JANIS L. SAMMARTINO, Judge
United States District Court



MICHAEL M. ANELLO, Judge
United States District Court



ANTHONY J. BATTAGLIA, Judge
United States District Court

see attached

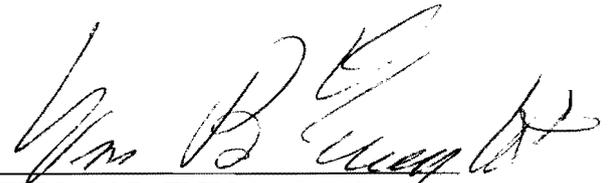
CATHY ANN BENCIVENGO, Judge
United States District Court



GONZALO P. CURIEL, Judge
United States District Court



CYNTHIA BASHANT, Judge
United States District Court



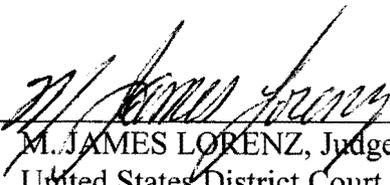
WILLIAM B. ENRIGHT, Judge
United States District Court



JEFFREY T. MILLER, Judge
United States District Court



THOMAS J. WHELAN, Judge
United States District Court



M. JAMES LORENZ, Judge
United States District Court

MICHAEL M. ANELLO, Judge
United States District Court

ANTHONY J. BATTAGLIA, Judge
United States District Court



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