

GENERAL ORDER NO. 76

PRISON EMAIL FILING OF PRISONER CIVIL RIGHTS COMPLAINTS

This General Order establishes a Pilot Project of the Court and the California Department of Corrections and Rehabilitation (“CDCR”) under which *pro se* prisoners are required to submit to the Court case-initiating documents for civil rights cases by electronic mail (“email”). The goals of the Pilot Project are to increase efficiencies by reducing reliance on paper documents transmitted through the mail and to save costs to incarcerated plaintiffs, CDCR, and the Court.

SCOPE

1. This Pilot Project only applies to civil rights cases brought pursuant to 42 U.S.C. § 1983 by incarcerated plaintiffs who are, at the time of the initial filing:

(a) housed at institution(s) designated by the Clerk of Court, a current list of which will be posted on the Court’s website; and

(b) proceeding *pro se* and *in forma pauperis* in the Northern District of California.

2. Claims challenging the fact or duration of a prisoner’s confinement, such as those brought in a petition for a writ of habeas corpus under 28 U.S.C. § 2254, or other matters not herein authorized are excluded from the Pilot Project.

3. This General Order only applies to Pilot Project Documents. To be considered a Pilot Project Document, a document must be submitted by a prisoner at a designated institution for the purpose of initiating a new civil rights case and the document must be one of the following: (a) an initial complaint asserting civil rights claims pursuant to 42 U.S.C. § 1983 (preferably on the Court’s Civil Rights Complaint by a Prisoner form); or (b) a document submitted together with an initial complaint, such as an application to proceed *in forma pauperis* without prepayment of fees, a motion for emergency relief, or a motion seeking relief from this General Order.

PROCEDURES FOR SUBMISSION OF PILOT PROJECT DOCUMENTS

4. Each designated institution shall keep equipment and staff necessary to scan all Pilot Project Documents in paper form, and to transmit Pilot Project Documents to the Court by email. Each designated institution must also create and maintain a dedicated email address to submit Pilot Project Documents to the Court and to receive Notices of Electronic Filing indicating that documents have been filed by the Court.

5. Pilot Project Documents submitted to the Court by any other method, such as through the mail, may be rejected by the Court and returned to the plaintiff, unless scanning equipment is inoperable for more than forty-eight (48) hours or good cause is shown.

6. Plaintiffs at a designated institution will present Pilot Project Documents to designated CDCR staff. Plaintiffs must comply with all procedures established and/or authorized by this General Order for participation in this Pilot Project.

7. CDCR staff will log documents upon receipt and mark the front page of each such document to indicate the date on which the document was received and the total number of pages to be scanned together for that case. The documents will be scanned into a preprogrammed digital sender which scans and converts the documents to PDF format. The scanned documents will be promptly emailed to the designated Court email address for filing. CDCR staff will stamp the front page of each separate filing to indicate that the document has been scanned and emailed to the Court, and return the original documents to the plaintiff.

8. The Clerk of the Court will open the emailed Pilot Project Documents, conduct a readability review, and file them in the Case Management/Electronic Case Filing system ("CM/ECF"). The Court will then email to CDCR a Notice of Electronic Filing ("NEF") indicating receipt of the filed documents and notice of any Court Order or Clerk's Notice issued at initial filing. CDCR staff will print the NEF and any Court Order or Clerk's Notice issued at initial filing and provide them to the plaintiff. Because the original complaint and other Pilot Project Documents will be returned to the plaintiff, the Court and CDCR will not provide the plaintiff with file-stamped copies of Pilot Project Documents.

9. All documents other than Pilot Project Documents to be filed shall be sent and served through the mail in accordance with CDCR procedures regarding legal mail, the Local Rules of this Court, and other applicable law.

OTHER PROVISIONS

10. The Clerk of Court is authorized to create additional required forms and/or procedures as necessary to effectuate this General Order.

11. The Pilot Project will be reviewed annually.

12. Issues regarding the administration of the Pilot Project may be referred to Magistrate Judge Robert M. Illman for determination and resolution.

ADOPTED: May 19, 2020

FOR THE COURT:



PHYLLIS J. HAMILTON
CHIEF JUDGE