

**Proposed Changes to Local Rules Proposed to Become Effective June 1, 2015  
(Redline)**

*L.R. 5-4.2 Exceptions to Electronic Filing in Civil Cases. . . .*

- (b) *Documents Excluded from Electronic Filing.* The following documents are excluded from the electronic filing requirement of L.R. 5-4.1:
- (1) *Non-paper or Other Unusual Exhibits.* Non-paper physical exhibits, ~~or paper exhibits the size of which makes it impracticable for them~~ and any exhibit on a sheet of paper that is too large or irregularly shaped to be scanned into PDF format, shall be filed or lodged with the Clerk in paper or physical format in accordance with L.R. 11-5.
  - (2) *Claim-Initiating Documents.* Claim-Initiating Documents (see L.R. 3-2) and documents requesting emergency relief that are filed simultaneously with Claim-Initiating Documents shall be filed in accordance with L.R. 3-2.
  - (3) *Under-Seal and In-Camera Documents, and Other Documents Excluded from the Public Case File.* Applications and proposed orders to seal or file in camera, along with the document for which protection is sought, and any documents for which under-seal or in-camera filing is authorized by statute, rule, or prior court order shall be filed in accordance with L.R. 79-5. Other documents excluded from the public case file pursuant to L.R. 5.2-2.2 shall not be filed electronically, but shall be filed, if appropriate, as otherwise provided in the Local Rules of this Court, and in accordance with the Federal Rules of Civil and Criminal Procedure.
  - ~~(4) *Records for Bankruptcy Appeals and Administrative Review Cases.* In bankruptcy appeals, habeas corpus proceedings, and administrative review cases such as~~

~~Social Security appeals, ERISA, and IDEA cases, the record, when available in electronic format, may be submitted electronically or in paper format. Any record presented to the Clerk for filing or lodging in paper format shall be submitted with a separately filed Notice of Filing or Lodging Administrative Record. Unless the filer is exempted from electronic filing pursuant to L.R. 5-4.2(a), the filer shall first file the Notice of Filing or Lodging Administrative Record electronically, and present a copy of the Notice of Filing or Lodging Administrative Record, together with its NEF (see L.R. 5-3.2.1), with the Administrative Record to be filed or lodged.~~

- (54) *Other Exceptions.* For good cause shown, the Court may permit a particular document or exhibit to be filed or lodged in paper format, rather than electronically. If permission to file or lodge a document or exhibit in paper format is obtained, the document or exhibit shall be filed or lodged in compliance with L.R. 11-4. Unless the filer is exempted from electronic filing pursuant to L.R. 5-4.2(a), the filer shall first file electronically a Notice of Manual Filing or Lodging describing the document or exhibit being filed or lodged in paper format, and present a copy of the Notice of Manual Filing or Lodging, together with its NEF (see L.R. 5-3.2.1), with the document to be filed or lodged.

***L.R. 5-4.3 Format of Electronically Filed Documents. . . .***

***L.R. 5-4.3.1 Technical Requirements (File Format and Size Limitations).*** Documents filed electronically must be submitted in PDF. Except as provided elsewhere in this L.R. 5-4, the document filed with the Court must be created using word-processing software, then published to PDF from the original word-processing file (to permit the electronic version of the document to be searched). PDF IMAGES CREATED BY SCANNING PAPER DOCUMENTS ARE PROHIBITED, except that exhibits submitted as attachments to a document and records in bankruptcy appeals, habeas corpus proceedings, and

administrative review cases such as Social Security appeals, ERISA, and IDEA cases may be scanned and attached, in text-searchable PDF form, if the filer does not possess a word-processing-file version of the attachment.

~~Attachments~~Individual PDF files shall not exceed 10 MB in size, and shall contain no more than one document or portion of one document per file. ~~Attachments~~PDF files that exceed 10 MB~~that size~~ must be divided into sub-volumes.

Where scanned signature pages are authorized under L.R. 5-4.3.4(a), only the signature pages may be scanned; the remainder of the document must be generated by publishing to PDF from the original word-processing file.

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***L.R. 83-17 Special Requirements for Habeas Corpus Petitions Involving the Death Penalty . . .***

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***L.R. 83-17.3 Initial Filings and Petitions***

- (a) A prisoner under a judgment of death may file a petition for writ of habeas corpus or a request for appointment of counsel. Such filings shall be made in the Western Division (Los Angeles) of the Central District. Upon such filing, the case shall be randomly assigned to a district judge through the district-wide Death Penalty Assignment Wheel. After filing and assignment, the matter shall be immediately referred to the Capital Case Committee for the appointment of counsel.
- (b) Petitions shall be submitted on a form supplied by the Clerk of Court, filled in by printing or typewriting, or as a legible typewritten document which contains all of the information required by that form. All petitions or requests for appointment of counsel: (i) shall state whether the petitioner has previously sought habeas relief arising out of the same matter from this

court or any other federal court, together with a copy of the ruling; and (ii) shall clearly identify in the caption any scheduled execution date. Any petition exceeding ten (10) pages in length, excluding exhibits, shall be accompanied by an indexed table of contents setting forth the headings or subheadings contained in the body thereof.

- (c) ~~An original and one copy of the petition shall be filed by counsel for petitioner.~~—A pro se petitioner need only file the original of the petition. If the petitioner is represented by counsel, counsel for the petitioner shall ~~promptly serve a copy of the petition on counsel for the respondent~~ file the petition in accordance with L.R. 5-4. No filing fee is required.
- (d) If the petitioner is not represented by counsel, the Clerk of Court shall immediately serve the California Attorney General's Office by mail, e-mail or fax when an initial filing is received by the Court.
- (e) When a petition or request for appointment of counsel is filed by a petitioner who was convicted outside of this district, the Clerk of the Court shall immediately advise the Clerk of the Court of the district in which the petitioner was convicted, and prepare a stay and transfer order for signature of a district court judge.

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***L.R. 83-17.7 Procedures for Considering the Petition.*** Unless the Court summarily dismisses the petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, the following schedule and procedures shall apply subject to modification by the Court. . . .

- (a) Respondent shall as soon as practicable, but in any event on or before thirty (30) days from the date of service of the petition, **electronically lodge the following** with the Court ~~the following~~ in accordance with L.R. 5-1 and 5-4.3.1:

- (i) Transcripts of the state trial court proceedings.
- (ii) Appellant's and respondent's briefs on direct appeal to the California Supreme Court, and the opinion or orders of that court.
- (iii) Petitioner's and respondent's briefs in any state court habeas corpus proceedings, and all opinions, orders and transcripts of such proceedings.
- (iv) An index of all materials described in paragraphs (a)(i) through (a)(iii) above. Such materials are to be marked and numbered so that they can be uniformly cited.  
~~Respondent shall serve this index upon counsel for petitioner.~~
- (v) If any items identified in paragraphs (a)(i) through (a)(iv) are not available, respondent shall state when, if at all, such missing material can be filed.