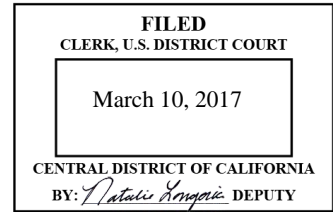


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF

PILOT PROJECT FOR THE
SUBMISSION OF CERTAIN
PRISONER FILINGS
THROUGH ELECTRONIC MAIL

} GENERAL ORDER NO. 17-04
(Supersedes General Order No. 16-03)

The United States District Court for the Central District of California (“Court”) and the California Department of Corrections and Rehabilitation (“CDCR”) having agreed, in order to reduce the costs and delays involved in processing court filings in civil rights cases brought by incarcerated plaintiffs pursuant to 42 U.S.C. § 1983, to establish a pilot project to require the submission of certain documents in such cases by prisoners through electronic mail, rather than through the U.S. Mail (“Pilot Project”), the Court hereby adopts this General Order to govern the submission of documents under the Pilot Project.

I. Definitions

A. Participating Facilities

The California State Prison, Los Angeles County, the California Men’s Colony, the California Institute for Men, the California Institute for Women, the California Rehabilitation Center, the Chuckawalla Valley State Prison, and the Ironwood State

1 Prison are hereby designated as “Participating Facilities.” Only facilities specifically
2 designated as Participating Facilities in this General Order may participate in the Pilot
3 Project.

4 **B. Pilot Project Document**

5 To be considered a “Pilot Project Document,” a document must meet all of the
6 following criteria:

- 7 (1) it must be submitted for filing by a prisoner incarcerated at a
8 Participating Facility at the time of filing, who is not represented by a
9 lawyer in the case in which the document is to be filed;
- 10 (2) it must be submitted for filing in a new case to be opened in the Central
11 District of California; and
- 12 (3) it must be one of the following:
 - 13 (a) an initial complaint asserting claims pursuant to 42 U.S.C. § 1983
14 (“1983 Complaint”), preferably on the Court’s form Civil Rights
15 Complaint (Form CV-66); or
 - 16 (b) a document submitted together with a 1983 Complaint, such as an
17 application to proceed IFP/without prepayment of fees, a motion
18 for emergency relief, or a motion seeking relief from this General
19 Order.

20 **C. Excluded Documents**

21 Any document that fails to satisfy the criteria listed in Section I.B. shall be
22 considered an “Excluded Document,” including, but not limited to:

- 23 (1) documents filed by prisoners at facilities not participating in the Pilot
24 Project;
- 25 (2) complaints or petitions that do not assert claims under 42 U.S.C. § 1983,
26 such as cases challenging the fact or duration of confinement;
- 27 (3) subsequent documents presented for filing after the filing of the initial
28

1 complaint, such as motions and amended complaints;

- 2 (4) documents intended for filing in any court other than the Central District
3 of California.

4 **II. Scope of Pilot Project**

5 All Pilot Project Documents submitted to the Court for filing must be submitted
6 pursuant to the procedures set forth in Section III of this General Order. All
7 Excluded Documents submitted to the Court for filing must be submitted by U.S.
8 Mail. All documents submitted for filing, including both Pilot Project Documents
9 and Excluded Documents, must comply with all federal and local rules.

10 **III. Procedures for Submission of Pilot Project Documents**

11 1. Every Participating Facility shall keep equipment and staff necessary to
12 scan all Pilot Project Documents prepared by prisoners in paper form, and to transmit
13 those Pilot Project Documents to the Court by e-mail. Every Participating Facility
14 must also create and maintain a dedicated e-mail address to submit Pilot Project
15 Documents to the Court and to receive Notices of Electronic Filing (“NEFs”)
16 indicating that those documents have been filed by the Court.

17 2. Pilot Project Documents must be submitted to the Court in PDF format
18 by e-mail. Pilot Project Documents submitted to the Court by any other method, such
19 as through the U.S. Mail, may be rejected by the Court and returned to the prisoner,
20 unless covered by one of the following exceptions:

- 21 (a) the Pilot Project Document is submitted during a period in which
22 the scanning equipment was inoperable for a period longer than
23 forty-eight (48) hours, and the Court has been notified by CDCR
24 of this equipment failure; or
25 (b) the Pilot Project Document is submitted with a motion for leave to
26 file documents by U.S. Mail that is supported by good cause.

27 3. Prisoners at a Participating Facility will present Pilot Project Documents
28

1 to designated CDCR staff (“Scanning Staff”), who will log those documents upon
2 receipt, and mark the date of receipt on the first page of each such document.
3 Prisoners must comply with any procedures established by CDCR for the electronic
4 submission of court filings, and will be subject to CDCR’s regulations providing for
5 photocopy and other incidental charges.

6 4. If a prisoner presents a document to Scanning Staff for which a filing fee
7 waiver is required, Scanning Staff will notify the prisoner if the prisoner is
8 responsible for obtaining a Trust Account Statement.

9 5. Before scanning and e-mailing Pilot Project Documents to the Court,
10 Scanning Staff will mark the front page of each such document to indicate the total
11 number of pages to be scanned together for the same case and the initials of the
12 person who will scan them. After the documents have been scanned and e-mailed to
13 the Court, the original documents will promptly be returned to the prisoner.

14 6. Designated staff at the Court will retrieve the e-mailed Pilot Project
15 Documents, conduct a readability and page count review, and then file them into the
16 Court’s Case Management/Electronic Case Filing (“CM/ECF”) system.

17 7. The Participating Facility’s dedicated e-mail address will receive an NEF
18 for any case opened by the Court after the submission of Pilot Project Documents.
19 The NEF confirms that the case has been received by the Court and assigned a case
20 number, and provides a link to the case as it appears in the Court’s CM/ECF System.

21 8. Scanning Staff at each Participating Facility will print the NEF received
22 for every case submitted to the Court by e-mail, and distribute that NEF to the
23 prisoner who filed the case for which the NEF was generated. Because the original
24 documents will have been returned to the prisoner after they were scanned and
25 emailed, the filed documents will not be printed for the prisoner, and neither the
26 Court nor CDCR will be required to provide the prisoner with a conformed, file-
27 stamped copy of any Pilot Project Document.

28

1 9. All court orders and other court-issued documents will be served on the
2 prisoner through U.S. Mail. Except as provided above in paragraph 8, CDCR will not
3 be required to print copies of any court-issued documents from the CM/ECF System
4 for the prisoner.

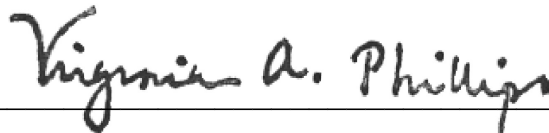
5 **IV. Effective Date**

6 This General Order shall be effective on the date of filing by the Clerk.

7 **V. Duration of Pilot Project**

8 Either the Court or CDCR may terminate the Pilot Project, or participation of
9 any individual Participating Facility in the Pilot Project, at any time, by written 30-
10 day notice to the other party. The Court and CDCR will evaluate the Pilot Project on
11 an annual basis to determine whether it should be continued, terminated, modified, or
12 expanded.

13 IT IS SO ORDERED.

14
15 

16
17 CHIEF UNITED STATES DISTRICT JUDGE

18
19 *Date of Approval by the Court:* February 16, 2017

20
21 *Date of Filing by the Clerk:* March 10, 2017