

**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

**IN RE: PROCEDURAL RULES
FOR PRISONER CIVIL CASE
FILINGS AND FOR PRISONER
E-FILING PROGRAM**

GENERAL ORDER NO. 342

A. ALL PRO SE PRISONER NON-HABEAS CIVIL FILINGS

The United States District Court for the District of Idaho (the Court) finds it necessary and appropriate to implement new prisoner filing procedures to increase the efficiency and effectiveness of the limited public resources allocated to managing and adjudicating prisoner civil rights cases.

General procedures that apply to all non-habeas civil filings (paper and electronic) of pro se prisoners and their opponents (whether pro se or represented) in federal, state, and county custody are as follows:

1. A complaint or any type of amended complaint will be limited as follows:
 - a. A complaint or any type of amended complaint may be no more than 20 pages in length.
 - b. No exhibits may be attached to a complaint or any type of amended complaint, except those showing exhaustion of administrative

remedies.

- c. No affidavits may be attached to a complaint or any type of amended complaint. Instead, affidavits must be exchanged with disclosure statements or attached as exhibits to motions, responses to motions, or replies to motions.
- d. Multiple plaintiffs cannot bring claims in the same complaint unless plaintiffs meet the permissive joinder requirements in Federal Rule of Civil Procedure 20(a)(1)—that at least one claim of all plaintiffs “aris[es] out of the same transaction, occurrence, or series of transactions or occurrences” and raises “a question of law or fact” common to all plaintiffs.
- e. Claims against multiple defendants within a complaint or any type of amended complaint must meet the requirements in Federal Rule of Civil Procedure 20(a)(2)—that at least one claim against all defendants must “aris[e] out of the same transaction, occurrence, or series of transactions or occurrences” and raise “a question of law or fact common to all defendants.” Claims that do not meet these standards must be separated into different lawsuits.¹

¹ See, e.g., *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) (in PLRA context: “A buckshot complaint that would be rejected if filed by a free person—say, a suit complaining that A defrauded the plaintiff, B defamed him, C punched him, D failed to pay a debt, and E infringed his copyright, all in different transactions—should be rejected if filed by a prisoner.”).

2. Motions and responses to motions will be limited to no more than 20 pages each. Replies in support of motions will be limited to no more than 10 pages.
3. Parties need not include a “standard of law” section in a response to a motion if it repeats the standard of law set forth in the underlying motion, but instead may indicate their agreement with that standard and address any additions or disagreements.
4. Parties must not file notices or letters to inform the Court of facts or issues about the subject matter of the case or prison access to courts issues. Notices are to notify the Court of procedural changes, such as changes of address or permissible notices filed by attorneys, such as representation issues. Parties must not use notices or letters to ask the Court to make a decision, but instead must file a motion.
5. Affidavits and exhibits that do not support a motion, a response to a motion, or a reply to a motion may not be filed. Rather, affidavits and exhibits are to be filed as attachments in support of a motion, a response to a motion, or a reply in support of a motion.
6. An exhibit may be filed only once in any action, regardless of which party filed it first. A party must refer to an exhibit already filed by referencing the filed document by name and date filed, and/or by docket number.
7. Prison policies, directives, and standard operating procedures may not be filed as exhibits, unless they are not current versions. Rather, current

versions may be referenced by title and number and the phrase “available online.”

8. Making paper copies for the Court is no longer needed, unless ordered by the Court.
9. A standard disclosure and discovery order issued in each case will apply in all pro se prisoner non-habeas civil cases. The standard order is designed to make prisoner litigation more disclosure-oriented and less discovery-oriented, based on the Court’s experience that (1) defendants in prisoner lawsuits tend to hold a disproportionate share of the information and items relevant to a lawsuit, and (2) prisoners often propound discovery that is disproportionate to the needs of the case.

B. PRISONER E-FILING PROGRAM

Following a successful prisoner civil case e-filing pilot program at a single prison facility, the Court is extending implementation of the program to such other prison facilities that can accommodate the program, to be determined at the sole discretion of prison officials.

Adoption of this General Order is not intended to create any personal right or private cause of action for any prisoner based on the extent or lack of an e-filing program in any particular prison facility. Prisoners who are transferred among facilities must use the access to courts program provided at the prison where they reside, regardless of whether the prisoners were or were not previously using the e-filing program at another facility.

This procedure substantially reduces the amount of time the Clerk of Court and Court Staff spend processing prisoner court filings. It also significantly reduces public and prisoner expenditures for postage, paper, envelopes, and copier supplies.

General procedures for the e-filing program are as follows:

1. Prisoners who have access to the e-filing program must file all documents in their civil actions via the e-filing program, with the limited exceptions identified in subsection B(3).
2. The Clerk of Court and the prison will develop and coordinate prisoner e-filing procedures to implement the program, which may be modified from time to time.
3. Prisoners will present their original documents to designated prison staff for scanning during the regular business hours of the legal resource center. Staff will place a scan receipt stamp on the original prisoner document, scan the document to transmit it via email to a designated court email inbox address on the same day the document is received from the prisoner, and return the document to the prisoner. If a document fits within an exception for an authorized mailed filing, prison staff will approve the documents for prisoner mailing and issue the prisoner an approval notice to accompany the mailing.
4. The Court will e-file the prisoners' documents within the ECF system upon receipt of the email from prison staff. The official filing date and time of a document filed electronically will be the date and time (MT) the document

is electronically received by the Court. Where applicable, the “mailbox rule” filing date will be the date the prisoner places the document into the hands of prison staff for e-filing.

5. Even though prison staff will file prisoners’ documents electronically, the prisoners will not be registered ECF participants. Therefore, the rules for regular and electronic service of pleadings and papers will apply, as set forth in the Federal Rules of Civil Procedure and the Local Rules of Civil Practice before the United States District Court for the District of Idaho. Parties who are registered ECF participants will receive only an electronic copy of the prisoners’ filings. Likewise, parties who are registered ECF participants will serve documents upon non-registered ECF participants (including prisoners) by mail or other means as set forth in the Rules.
6. Should federal or county facilities desire to implement an e-filing program for prisoners, program officials and court staff will work together to design and implement a system substantially similar to the one described above.

DATED: February 7, 2019



David C. Nye
Chief United States District Judge