

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

IN RE: INMATE ELECTRONIC  
FILING PROGRAM

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Standing Order 2021-1

The United States District Court for the District of Oregon ("the Court") and the Oregon Department of Corrections ("ODOC") initiated a program ("E-Filing Program") to facilitate the electronic filing of prisoner litigation documents with the Court at Snake River Correctional Institution ("SCRI") and Two Rivers Correctional Institution ("TRCI"). See U.S. District of Oregon Standing Orders 2019-7 and 2019-12. The E-Filing Program increases efficiencies in pro se inmate filings and saves costs to unrepresented inmate litigants, the ODOC, and the Court by reducing expenses for paper, envelopes, copying, postage, and staff time. This Order renews the TRCI E-Filing Program and sets forth the rules for managing it.

**IT IS HEREBY ORDERED:**

1. The E-Filing Program includes all prisoner civil rights and habeas corpus cases brought under 42 U.S.C. § 1983, and 28 U.S.C. §§ 2241, 2254, and 2255.
2. Participation in the E-Filing Program is limited to unrepresented inmate litigants housed at TRCI. Participation in the E-Filing Program is **mandatory** for those inmate litigants.
3. **Papers submitted to the Court:** Filings submitted by inmate litigants to the Court include correspondence, complaints, petitions, motions, and briefs (hereafter "filings") and must be submitted electronically. Exceptions: An inmate litigant may file the following types of documents by mail: a motion to file a new document under seal, a sealed document

that is not governed by a protective order, and an *in camera* submission.

If, after making an electronic filing in a case, an inmate litigant is transferred to an institution other than SRCI or TRCI, the inmate shall resume submitting all subsequent filings by mail during the period that the inmate litigant remains assigned to another institution.

4. **Papers submitted to opposing parties or counsel:** Correspondence and requests for discovery between an inmate litigant and any defendant or respondent shall not be submitted electronically but will continue to be exchanged by mail.

5. **Service of Process:** An inmate may not electronically serve a complaint. The Court will attempt to seek waiver of service of a complaint on behalf of all inmates participating in the E-Filing Program. The Court will advise an inmate if waiver of service cannot be obtained from some or all defendants.

6. Electronic filings will be processed as follows:

a. **Inmate Litigant Submission of Filing:** The inmate litigant will provide designated TRCI staff with the original filing. The filing must comply with the requirements set forth in the "Electronic Filing Requirements for U.S. District Court," a copy of which shall be posted or distributed with this Order consistent with ODOC practices. TRCI staff will scan the filing on a digital scanner and will e-mail the resulting Portable Document Format ("PDF") document file to the Court at an e-mail address designated by the Court. After the original filing has been scanned and sent to the Court, TRCI staff will return the original to the inmate. The inmate litigant is expected to keep the original filing and produce it at a later time, if ordered to do so by the Court.

b. **Docketing:** After the Court receives the filing by e-mail, it will

perform a quality review and docket the filing electronically.

**c. Notice of Electronic Filing ("NEF"):** When a filing is docketed, an NEF is issued. The NEF confirms the date of docketing and contains an electronic link to the filing. The NEF will be transmitted to an e-mail address established by the Court and ODOC at TRCI. ODOC staff will print and provide copies of the NEF to the inmate litigant through TRCI's existing mail system. The Court will not issue an NEF for a document that is not a "filing" in a case (see item 3, above).

**d. Defendant/Respondent Submission of Court Filing:** After a defendant or respondent has electronically submitted a filing, TRCI staff will print the NEF and the filing and provide a copy of both to the inmate litigant through TRCI's existing mail system. The Oregon Department of Justice (ODOJ) must serve on the inmate litigant a paper copy of: (1) any document under seal; (2) any filing that, with its attachments, exceeds 200 pages; and (3) in habeas cases filed pursuant to 28 U.S.C. § 2254, the transcript of state court proceedings in accordance with the Court's Scheduling Order, when the inmate is proceeding pro se at the time the transcript is due. For filings served on paper, the ODOJ will specify the manner of service in the certificate of service. TRCI is required to print only the NEF for filings served on paper to the inmate litigant.

**e. Court Orders:** When the Court issues an order (or other communication) directed to the parties, ODOC staff will print and provide the inmate litigant with copies of the NEF and the Court-issued order (or other communication) via TRCI's existing mail system. Receipt by the inmate litigant of the NEF with the Court order (or other communication) constitutes service on the inmate litigant.

7. The Court will provide scanning equipment and all training necessary for TRCI staff. The equipment will remain the property of the Court, and the Court will be responsible for maintenance and replacement of the equipment provided. TRCI will utilize its own paper and printers and provide court documents to the inmates as required by this process.

The E-Filing Program is authorized through September 30, 2029. The Court or ODOC may terminate the E-Filing Program at any time. The Court and ODOC will evaluate the E-Filing Program periodically upon request of either the Court or ODOC to determine whether it should be continued, terminated, modified, or expanded.

IT IS SO ORDERED. DATED this 8 day of Jan, 2021.

  
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MARCO A. HERNÁNDEZ  
Chief U.S. District Judge