

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

CARL ERIC OLSEN,	*	
	*	
Plaintiff,	*	No. 4:07-cv-00023-JAJ-RAW
	*	
v.	*	
	*	
ALBERTO R. GONZALES, et al.,	*	OBJECTION TO MAGISTRATE'S RULING ON
	*	MOTION UNDER ELECTRONIC CASE
Defendants.	*	FILING PROCEDURES MANUAL

OBJECTION TO MAGISTRATE'S RULING ON
MOTION FOR ACCESS TO ELECTRONIC CASE FILING

The Plaintiff moves the court to reconsider the Magistrate's ruling on the Plaintiff's Motion for access to the ECF (Electronic Case Filing) system.

It appears from the Magistrate's Ruling that the Magistrate is saying the Local Rule supersede the Electronic Case Filing (ECF) Procedures Manual.

Exactly the opposite is true. Local Rule 5.3.a says:

Specific rules, requirements, procedures, and limitations relating to electronic filing and electronic access to case files are set out in the ECF Procedures Manual. (See LR 1.1.1.) Additional rules, requirements, procedures, and limitations may be set out in administrative orders issued by the court. **The ECF Procedures Manual and administrative orders issued on or after the effective date of these rules supersede the rules to the extent they are inconsistent with the rules.** The ECF Procedures Manual and the administrative orders will be available from the Clerk of Court, and will be posted on the court's web site at the web address in Local Rule 1.1.i.

The bold text is actually in the Local Rules and not added by the Plaintiff.

In addition to being in compliance with both the Local Rules and the ECF Procedures Manual, the Plaintiff is not receiving copies of documents being filed in this case.

The Plaintiff called the clerk this morning to find out what happened to the Plaintiff's motion for access to the ECF and was told it had been filed yesterday. The Plaintiff then used public access to the ECF system to retrieve the ruling and noticed a Motion to Dismiss had been filed on March 19 by the County Attorney and Sheriff defendants. It is now March 30 and the Plaintiff

has not received a copy of the Motion to Dismiss in the mail. If this had been a Magistrate's Recommendation it would have required a response within 10 days.

The Plaintiff urges the court to reconsider his motion in light of these facts and further adds that the same reasons the ECF was implemented by the courts are the same reasons the Plaintiff should be allowed to use the ECF. It would be in the public interest to allow the Plaintiff to access the ECF system.

Respectfully submitted this 30th day of March, 2007

CARL ERIC OLSEN
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515-288-5798
IN PROPRIA PERSONA

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion under Electronic Case Filing Procedures Manual was mailed by first class mail on this 30th day of March, 2007 to each of the following defendants:

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c/o
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