



Dr. Usha Jain, Board certified in Emergency Medicine, Anti-aging, and Pediatrics

Date February 14, 2022

Rebecca A. Womelsdorf, Secretary
Committee on Rules of Practice and Procedure
United States Judicial Conference
One Columbus Circle, NE
Washington, D.C. 20544

Via email: RulesCommittee_Secretary@ao.uscourts.gov

Re: Renewed Comment on Emergency Rulemaking and URGENT Efforts to prevent the spread of deadly COVID-19 and related deaths and saving lives of self-representing citizens.

Also, national uniformity to avoid abuse of power by Judges under the cover of local rule

Respected Ms. Womelsdorf:

This is a **renewed** and also a follow up request of Dr. Usha Jain from June 24, 2020 ((20-CV-J and 20-AP-C) for pro se litigants to have equal access to the electronic filing in Federal District Court especially during the COVID pandemic. This was filed **two years ago** for emergency consideration for fair and equitable access to both parties.

The self-represented litigants do not have access to electronic system of federal District court but it is only allowed to the one represented by a counsel thereby they are provided with the tools for safety and is not subject to clerical errors, lost and delayed mails. This is not equal access and is against the spirit of “Equal Justice Under Law” and this unlawful exception is unconstitutional and is against our democracy. There is no national uniformity per Professor Edward H. Cooper and can be checked by clicking on the following link:

<https://lawsintexas.com/electronic-filing-by-pro-se-in-federal-district-courts-should-be-mandatory-as-per-state-courts/>

PRO SE’S ARE DENIED ELECTRONIC FILING RIGHTS IN US DISTRICT FEDERAL COURTS

LIT’s take on this debate is simple. There’s two sides on a law suit. If one is denied access to file using the same ‘system’ as the other side, that’s not “Equal Justice Under Law” as inscribed on the highest court of the land’s building. See **Greene v. Frost Brown Todd, LLC**, 856 F.3d 438 (6th Cir. 2017) It’s unconstitutional. In Texas, state court e-filing is mandatory for all parties. That is exactly how it should be in Federal Courts or the Constitution is merely a parchment with words with no meaning.

Self- representing litigants have the same RIGHT TO LIFE as other represented by a paid counsel. But instead, the self-representing litigants are subjected to undue burden, undue stress even during the UNFORESEEN AND EXCEPTIONAL circumstances (abuse of human rights).

This inequality provides the Judge an opportunity to discriminate against the pro se litigants under the cover of Local Rule and the litigant are at mercy of judge. The National uniformity in the rule will prevent abuse of discretion by judges in retaliation against pro se especially who are less proficient in English.

Moreover, denial of electronic filing is prejudicial to the effective and expeditious administration of the business of the courts due to inherent delay and lost mail and clerical errors.¹

“Decisions that discriminate the litigants because of their pro se class cause injuries just as surely as do badly designed products, negligently produced goods, the improper operation of equipment, or the failure to live up to the standard of care expected of professionals such as doctors, lawyers and accountants.”

The 1st Amendment Right to self-represent in the court is meaningless if an equal access is not provided. As observed by former Chief Judge Loren A. Smith, the Court is the institutional scale that weighs the government’s actions against the standard measure of the law and helps make concrete the spirit of the First Amendment’s guarantee of the right “to petition the Government for redress of grievances.”

The suggestion was offered to the public during emergency but their suggestions are still not considered for almost two years (pending under consideration) even though it was for EMERGENCY CHANGES TO SAVE LIVES AND IRREPARABLE HARM. Per former Judge Posner ‘Pro se are routinely treated like “trash”.

The appellate Federal Court (11th Circuit) and state court both allow filing electronically for self-representing citizens. Because electronic filing has ZERO risks for spreading COVID-19 and thus could help prevent the spread of the deadly disease, I urge you to allow the Federal Court, by an administrative order, to provide the electronic filing option to self-representing citizens.

There are GUIDELINES set forth by the CDC, FL Surgeon General, President Trump and Florida Governor DeSantis, and many other leaders and experts to prevent the spread of coronavirus. These guidelines have included closing government offices when possible and having many employees work remotely and electronically.

Electronic filing for self-representing citizens would also help those with medical conditions, physical limitations, and handicapped status. It would “level the playing field” for those who choose not to hire an attorney. It would also help in effective and expeditious administration of the business of the courts.

¹ The only change which was done by District court is as follows: The district court provides the link to pro se litigants to submit their documents but it is docketed by the clerk unlike electronic filing and **it can take up to 48 hours**. This is also subjected to the clerical errors of omission and deletion of pages from the document thereby there is NO ‘Equal Justice Under Law.’”

Compelling Reasons for the Changes in our Democracy

Inherent Prejudice to Prose Litigants due to Risk of Safety of Lives, Hardship due to Medical Disability, Real-Time Lag in receiving the Orders, and Unequal Opportunity to Access the Court.

In Federal Court in Orlando, electronic filing is only for attorneys and the only option for *prose* is via postal mail or hand delivery for filing motions and receiving orders. This inequality has inherent prejudice to citizens who are representing themselves in the court (*pro se*). Following are the compelling concerns:

A. Risk of the safety of lives from exposure from COVID-19

Not allowing prose litigants to file electronically conflicts with the GUIDELINES set forth by the CDC, FL Surgeon General, President Trump, and Governor DeSantis to prevent the spread of coronavirus as well reckless disregard to lives of the citizens from exposure to COVID-19.

1. Mailing exposes risk for coronavirus as one has to stand in the line with the general public to get an estimate of postage for the weight of papers which varies with every filing;
2. Plaintiffs have to leave in fear from exposure of coronavirus;
3. Delivery to the courthouse has a similar higher risk
4. Filing through the link provided by the court still requires docketing by the clerk

The above risks are higher if a prose litigant is in a high-risk group due to their age and medical conditions like diabetes, high blood pressure, kidney, and heart condition.

B. Prejudice due to Medically disable prose litigants and Undue Hardship:

1. This prejudice toward medically disabled litigants is against the guidelines to accommodate disabled citizens, as the disabled person still has to drive and walk either to the post office or courthouse. In our democracy, citizens should be aided in their path for justice and accommodations should be made for those with physical and/or health issues so that they may obtain the same justice as those without such issues.
2. Any disabled self-representing litigants would be at the mercy of the Judge who may even act against the ADA guidelines and disregard required accommodation for those with a medical disability.

C. Prejudice and risk of Technical Default due to not Receiving the Orders Timely

Prose litigants are subject to the risk of lost mail, clerical error, misdeliveries, etc. Prose litigants receive the order in the mail which may take several days and may not come in the mail. Once again, this is not equal access. Prose litigants are PENALIZED for not having access

to electronic delivery of the court order. Those represented by counsel are given this electronic access and are NOT subject to that risk.

D. Unequal Justice and Violation of First Amendment Rights

The prose citizens should be allowed equal access to electronic filing. Granting access only to attorneys is unwise and unconstitutional since it is attorneys who are least in need of such service; rather, the prose litigants who might have mobility or cost issues would need such access the most. This is a violation of the 1st Amendment rights of the citizens.

Also, for the service of the Order, in electronic filing, the document automatically comes to your email address and would be seen right away vs waiting for the mail for several days risking the physical loss of the mail as it changes hands frequently.

Attorneys get more time to file; they are permitted to file by midnight vs prose citizens who have to reach to the court by 4 pm to avoid default. Mail also has uncertainty and the extra burden of cost (legal carriers or mailing by certified mail).

Because lawyers and courts are so intertwined, there seems to be a bias that legal professionals are needed for access to the court. This is neither democracy nor our law but maybe a bias. The prose citizens should be allowed equal access to the court system by electronic filing.

The prose citizens should be given equal access to the current electronic filing procedures afforded to others, and this is especially critical during a time of national pandemic and threat of exposure to deadly COVID-19 virus. The infrastructure for electronic filing exists, the prose citizens who own technology required to utilize the system in place for electronic filing should be able to use the court system currently being used by counsel for the benefit of other citizens as well as by some other citizens approved by a judge.

Finally, lack of equal access opens the door for manipulation of technical default for prose citizens. If some judges have **PREDETERMINED OPINION** regarding prose litigants, they can refuse electronic access to prose under cover of LOCAL RULE and the case can be easily be manipulated for technical default for prose citizens further deteriorating equal access. Some have been denied equal access even after showing undue medical hardship and among COVID-19 risks during a stay-at-home order.

Please look at the efforts of lawyers and concerned citizens to ‘Level the PLAYING FIELD and “EQUAL JUSTICE UNDER LAW”’. Attached as exhibits are dockets of concerned citizens and emails of lawyers which were filed in support.

For some unknown reasons, Emails of lawyers were not given any docket numbers and are taken out of the list of suggestion from the link but copies are provided herein as exhibit A and B.

<https://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/rules-suggestions>

As a board certified physician and concerned naturalized citizen, who is dedicated to work at the emergency medical center seven days a week, feels fortunate to be an advocate for “**Stand Up For Your Rights**” a series of encouraging videos to help the citizens.²

I humbly request that you evaluate and use logical reasoning for equal opportunity to prose litigants. This would increase judicial efficiency, lessen hardship due to **medical disability** (ADA Guidelines), protect the safety of lives of pro se litigants, especially those over 70 with high risk of mortality with comorbid conditions: diabetes and hypertension (CDC Guidelines), and prevent the Judges of discretionary abuse of power against pro se.

Gratefully yours,



Dr. Usha Jain

For Honesty, Truth and Principles

4800 S. Apopka-Vineland Rd.

Orlando, FL 32819

Phone (407) 876-5555

Email emergicaremed@gmail.com alternate email jainemergicare@outlook.com

² Some of the encouraging videos: https://www.youtube.com/watch?v=3pjrySI9_BM
https://www.youtube.com/watch?v=C22byK_hBz8&t=69s
<https://www.youtube.com/watch?v=7tF61aE3Y9M&t=20s>

Exhibit A

Emails from Lawyers Supporting the notion of “Equal Justice Under Law” but was not given the docket nos. and were also taken out from list of suggestions but the emails were copied and was filed by Dr. Jain in her previous request

The following are the statements by other people in favor of electronic filing:

From: Buck Maker
To: Rules Committee Secretary
Subject: emergency rules
Date: Monday, May 11, 2020 8:17:35 AM

Rather than use the pandemic to make access to courts more restricted than it is now, you might make it more open by allowing all plaintiffs to file electronically, without favor of lawyers, or fear of the pro se, especially, who are routinely, treated like "trash" in the notorious words of your former Justice Posner.
Sent from Mail for Windows 10

From: David Michaels
To: Rules Committee Secretary
Subject: Proposed Rule Amendment
Date: Thursday, May 07, 2020, 12:32:55 PM

Dear US Courts:

Please pass a rule that requires all district courts to allow any party to a proceeding to electronically file documents in their proceeding, even if they are self-represented parties acting pro se. The WDNY has a local rule that requires prose litigants to file documents either in person or by mail. This creates a disadvantage for a party when there are time constraints or tight filing deadlines. Thank you,

David Michaels, J.D

From: Lemuel Bray
To: Rules Committee Secretary
Subject: Prose CM/ECF privileges
Date: Thursday, May 07, 2020, 12:21:15 PM

Recommend Prose litigants be granted CM/ECF privileges if they meet rules and decorum in filing in a trial period. No frivolous filing accepted and frivolous and impropriety filings a reason for withdrawal of the privilege on the order of a clerk.
Lemuel C Bray

From: Andrew Straw
Sent: Thursday, May 07, 2020 12:38 PM
To: Rules Committee Secretary
Subject: COVID-19 and US Courts Rule Changes

I am interested principally in prose litigants and disabled court participants.
All court filings should be electronic (email or CM/ECF) for all prose filers.
All prose litigants should automatically be enrolled in "one free look."

Exhibit B

Suggestions from concerned citizens with docket numbers in support of equal access to the court in support of the notion of “Equal Justice Under Law”

From: [Denise Richardson CRABBE](#)
To: [RulesCommittee Secretary](#)
Subject: Opinion on Rule
Date: Sunday, July 19, 2020 10:21:21 AM

The purpose of this email is to request that the committee add the rule that pro se citizens may file electronically. Currently, judges are allowed to choose who may file electronically and this creates widespread variation and an unequal opportunity for some over others depending on the whim or discretion of each judge.

While this rule should apply at all times, it is especially critical during times of National Emergency such as the COVID pandemic. The CDC has issued guidelines for social distancing and stay at home mandates have been ordered. Many government offices are closed, personnel directed to work from home when possible and even the US Supreme Court heard cases remotely using electronic technology. Yet, pro se litigants are still required to visit post offices or court houses to file documents for cases exposing them to potential COVID infection. Even pro se litigants in the "high risk" population for COVID as defined by the CDC are required to expose themselves to the deadly virus and risk their health to file documents while others are allowed to file electronically from the safety of their homes. This is not EQUAL OPPORTUNITY.

The First Amendment grants citizens the right to "petition the government for a redress of grievances". If the people are not treated equally in making this petition, then that right becomes meaningless. If equal opportunity is not provided to pro se litigants, they are denied the equal protection under the law outlined in the Fourteenth Amendment to the U.S. Constitution. If the court denies the pro se litigant access to the electronic filing system provided by the court to others, then they have created unequal protection of the law and given one party advantage over the other since one party receives communication electronically in real-time and the pro se litigant must wait for postal delivery, messenger or other delayed methods and they must expose themselves to danger during a National Emergency such as the COVID-19 pandemic. To grant pro se citizens the same rights as those citizens represented by paid counsel and thus grant all citizens an equal playing field before the court is a fundamental right that should not require a court order or enumeration. To hold that a right so basic and fundamental and so deep-rooted in our society as the right to be equally heard in court may be infringed because that right is not guaranteed in so many words with exact rules to cover advancement of technology, is to ignore the Ninth Amendment to the US Constitution. The Ninth

Amendment asserts that fundamental rights exist without the requirement of having them expressly enumerated. Pro se citizens should be provided equal access and equal opportunity to present grievances and be heard. If it requires a rule to accomplish that end, I sincerely believe that the Rules Committee should execute that as soon as possible.
Respectfully Submitted,

Denise Richardson Crabbe
REALTOR
Suzi Karr Realty
407-592-0692
CrabbeSells@gmail.com



I am never too busy for your referrals and will treat them like family!

From: [Beverly Peet](#)
To: [RulesCommittee Secretary](#)
Subject: Rules Committee letter
Date: Monday, August 03, 2020 3:07:46 PM

August 3, 2020

Ms. Rebecca A. Womelsdorf, Secretary
Committee of Rules on Practice and Procedure
United States Judicial Conference
[One Columbus Circle, NE](#)
[Washington, D.C. 20544](#)

Re: Protocol for Electronic Court filings during
COVID-19, other pandemics or national emergencies

Dear Ladies and Gentlemen:

I am an activist for the US and its Constitution requesting that all US Courts use transparency and fairness for all rules pertaining to all persons regardless of nationality, color, race, religious or political affiliation or financial standing without discrimination of any kind as stated in the First Amendment of the US Constitution. No court or judge or group of judges should be able to mandate or discriminate against anyone and force them to file any action in person during COVID-19 or any pandemic or national emergency because of the high risk of illness or death. All requests of any kind should follow the same protocol and allow all citizens to file electronically in any US Court without any court/judge having the discretion to choose one citizen over another for electronic filing and all citizens should be allowed to file electronically In any US Court.

Anyone who is disabled at any age or over 70 years of age should not be required to appear in person and put themselves and others at risk during COVID-19 or any other pandemic or national emergency. The same rules should apply to any citizen of the US. These Common-Sense Rules and Guidelines were established by the CDC the NIH and leaders of our country for the safety of all citizens. Any American Citizen should be entitled to file any court case electronically in any court to avoid illness or death during these unprecedented times. No US citizen should be required to appear in person to file anything in any court in today's climate of uncertainty because of life or death consequences.

Thank you for standing up for the rules of The
Constitution of The United States of America and the
rights of its citizens!

Very gratefully yours,

Beverly M. Peet
Retired Senior Pharmaceutical Sales Representative
Activist for Justice, US Constitution
[5331 Drum Castle Pkwy.](#)
[Sarasota, FL 3238](#)
[941-702-8357](#)

From: [Dr. Alvin White Jr](#)
To: [RulesCommittee Secretary](#)
Subject: An URGENT request for me to AVOID exposure to COVID-19
Date: Thursday, August 13, 2020 4:31:37 PM

Since early this year, I've been vitally concerned about my health and my family's health. While I have no major under-lining conditions par se, I'm particularly sensitive to the current environment presented in this highly contagious environment.

The point is, in each of the scientific conversations and or instructions on this subject, an ounce of prevention is much better than a pound of cure. If members of my family and my associates would observe the principle of avoiding dangerous conditions, we would have one less issue to deal with.

We are purposely and religiously staying away from environments and conditions where the virus is prone to be, in abundance. This environment would certainly be the lobby of the USPO.

We are thankful for the availability, the opportunity and the effectiveness of electronic transmission as a viable, safe substitute.

Dr Alvin White Jr

From: Janeth Ramos
Sent: Sunday, August 9, 2020 9:54:37 PM (UTC+00:00) Monrovia, Reykjavik
To: RulesCommittee Secretary
Subject: Rule change to Save the Lives of Self-Representing People of America

Dear Ms. Womelsdorf,

With all due respect, I request that self-representing citizens should be allowed to file electronically in the federal court, the lives of the self-representing citizens should be given the same importance as the lives of the citizens who are represented by the lawyers. There should be a uniformity in the rule of law and that way few judges who are biased against a person especially of color would not be able to exercise their abuse of power. This will help our democracy to level the playing field, especially during COVID-19. All lives should matter. Thank you for giving me the opportunity to suggest a rule change to help save lives and to stand against the pervasive bias of some judges in our judicial system.

Gratefully yours,

Janeth Ramos

Proactive Citizen for the Constitution of America

From: [Richard Macak](#)
To: [RulesCommittee Secretary](#)
Subject: Change to allow E Filing access for pro se litigants
Date: Thursday, July 02, 2020 12:38:57 PM

To whom it may concern:

Given the current environment I humbly request that you allow pro se litigants the ability to electronically file submissions to the court for the safety of their lives and others and to also provide equitable and fair access.

Regards,
Richard Macak

From: [Glenn Birket](#)
To: [RulesCommittee Secretary](#)
Subject: Proposed Rule Change, Electronic Filing for Pro se Litigants
Date: Sunday, August 02, 2020 6:50:34 PM

Dear Ms. Womelsdorf,

I respectfully request consideration of a change to allow self-representing people to file electronically in the Federal Court to have equal access to filing and the receipt of real-time orders of the court. This is especially relevant during a pandemic but will also help to level the playing field for pro se litigants, as well as those with medical or other conditions that prevent them from hand-delivering documents.

Respectfully,
Glenn A. Birket, PE
(407) 925 2708
162 W. Plant St.
Winter Garden, FL 34787

From: milwag@gate.net
To: [RulesCommittee Secretary](#)
Subject: Rules change suggestion re self-representing citizenr
Date: Saturday, August 01, 2020 10:38:02 AM

Please make a change in the rules governing self-representing citizens, to allow for electronic filing, especially during the COVID-19 pandemic -- for the safety and wellness of citizens.

Larry Wagstaff
COLLONEL (RETIRED)
U.S. ARMY

From: [Nilda Sorger](#)
To: [RulesCommittee Secretary](#)
Subject: Suggestion for COVID-19 Pandemic
Date: Friday, July 31, 2020 1:17:08 PM

To the Rulemaking Committee

My suggestion for saving the lives of the self- representing citizens from the exposure to coronavirus by allowing them to file electronically which would also allow fair and equitable access.

Respectfully submitted,

Nilda Sorger

Retired Accountant from Orlando, FL

From: [Nilda Sorger](#)
To: [RulesCommittee Secretary](#)
Subject: Suggestion for saving the lives of the self- representing citizens from coronavirus by allowing them to file electronically.
Date: Friday, July 31, 2020 12:50:45 PM

Nilda Sorger
Retired Accountant

From: [Michael Norman](#)
To: [RulesCommittee Secretary](#)
Subject: RE: Access to electronic filing system for pro se litigants
Date: Wednesday, July 29, 2020 1:22:03 PM

To whom it may concern:

Given the current environment I humbly request that you allow pro se litigants the ability to electronically file submissions to the court for the safety of their lives and others and to also provide equitable and fair access.

Sincerely,

Michael Norman

--

Michael Norman
Chief Producer
MCN Productions
407.616.2227

From: [Thomas OToole](#)
To: [RulesCommittee Secretary](#)
Cc: emergicaremed@gmail.com
Subject: Proposed Rule Change, Electronic Filing for Pro Se Litigants. (COVID-19)
Date: Tuesday, August 04, 2020 1:41:02 PM

Dear Ms. Womelsdorf,

I wish to request for consideration a rule change to allow self representing people to electronically file in the Federal Courthouse to have access to electronic filing and the receipt of real-time orders of the court. This is especially necessary during the pandemic and for people unable to appear in person.

Regards,

Thomas P O'Toole
TPO, LLC
Managing Partner
407-443-6034

Sent from my iPhone

From: [Jerry Lowe](#)
To: [RulesCommittee Secretary](#)
Subject: Pro se filing of documents
Date: Thursday, August 13, 2020 12:12:04 PM

Dear Ms. Womelsdorf,

It has been brought to my attention the Rules Committee allows attorneys to file electronic documents to district courts. However, pro se litigants must leave the safety of their home or office to send registered mail or physically bring to the district courthouse the same documents.

In this current environment of the pandemic, would it not be more prudent to allow all parties to file electronically? I believe we need to consider the safety of all, not the just the attorneys.

Respectively,

Jerry

Jerry T. Lowe

jerrytlowe@gmail.com
407.257.6890

From: [Cathy Ellis](#)
To: [RulesCommittee Secretary](#)
Subject: Emergency Rulemaking and URGENT
Date: Thursday, August 13, 2020 12:05:07 PM

Dear Ms. Womelsdorf,

I respectfully request consideration of a change to allow self-representing citizens to file electronically in the Federal Court to have equal access to filing and the receipt of real-time orders of the court. This is especially relevant during a pandemic but will also help to level the playing field for pro se litigants, as well as those with medical or other conditions that prevent them from hand-delivering documents. There is no reason anyone should put their health at stake, and this change will help ensure a safer environment for all.

Thank you for your time and consideration in this COVID-19 environment.

Kind regards,

Cathy S Ellis

Orlando, FL 407-876-3053 407-963-4533/c



Dr. Usha Jain, Board certified in Emergency Medicine, Anti-aging, and Pediatrics

Date June 23, 2020

Rebecca A. Womelsdorf, Secretary
Committee on Rules of Practice and Procedure
United States Judicial Conference
One Columbus Circle, NE
Washington, D.C. 20544

Via email: RulesCommittee_Secretary@ao.uscourts.gov

Re: Comment on Emergency Rulemaking and URGENT Efforts to prevent the spread of deadly COVID-19 and related deaths

Respected Ms. Womelsdorf:

As a concerned board-certified emergency medicine physician, I respectfully request that you, as a member of the rulemaking committee, facilitate an administrative change allowing self-representing people to file electronically in the Federal Court so that self-representing people have equal access to filing and receive the real-time orders of the court. This is especially relevant during the current tragic times of global pandemic and the spread of COVID-19.

The risk of exposure and spread of the deadly virus is increased when people are required to visit the post office to mail the paper filings as they must stand in line with those who may be infected in order to calculate and purchase postage or they must touch unsanitized self-service machines that are touched by many others each hour. Hand delivery to the court also increases exposure to other members of the public unknown to them as well as employees.

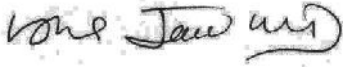
The appellate Federal Court (11th Circuit) and state court both allow filing electronically for self-representing citizens. Because electronic filing has ZERO risks for spreading COVID-19 and thus could help prevent the spread of the deadly disease, I urge you to allow the Federal Court, by an administrative order, to provide the electronic filing option to self-representing citizens.

There are GUIDELINES set forth by the CDC, FL Surgeon General, President Trump and Florida Governor DeSantis, and many other leaders and experts to prevent the spread of coronavirus. These guidelines have included closing government offices when possible and having many employees work remotely and electronically.

Electronic filing for self-representing citizens would also help those with medical conditions, physical limitations, and handicapped status. It would "level the playing field" for those who choose not to hire an attorney.

I humbly request that you evaluate and use logical reasoning for equal opportunity to prose litigants. This would increase judicial efficiency, lessen hardship due to medical disability and now to protect the safety of lives of prose litigants, especially those over 70 with comorbid conditions and high risk of mortality.

Gratefully yours,



Dr. Usha Jain

Compelling Reasons for the Changes in our Democracy

Inherent Prejudice to Prose Litigants due to Risk of Safety of Lives, Hardship due to Medical Disability, Real-Time Lag in receiving the Orders, and Unequal Opportunity to Access the Court.

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The above risks are higher if a prose litigant is in a high-risk group due to their age and medical conditions like diabetes, high blood pressure, kidney, and heart condition.

B. Prejudice due to Medically disable prose litigants and Undue Hardship:

1. This prejudice toward medically disabled litigants is against the guidelines to accommodate disabled citizens, as the disabled person still has to drive and walk either to the post office or courthouse. In our democracy, citizens should be aided in their path for justice and accommodations should be made for those with physical and/or health issues so that they may obtain the same justice as those without such issues.

2. If the accommodation of electronic filing can be granted at the discretion of the judge, it seems reasonable that this is an appropriate accommodation for those with a medical disability.

C. Prejudice and risk of Technical Default due to not Receiving the Orders Timely

Prose litigants are subject to the risk of lost mail, clerical error, misdeliveries, etc. Prose litigants receive the order in the mail which may take several days and may not come in the mail. Once again, this is not equal access. Prose litigants are penalized for not having access to electronic delivery of the court order. Those represented by counsel are given this electronic access and are NOT subject to that risk.

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The prose citizens should be allowed equal access to electronic filing. Granting access only to attorneys is unwise since it is attorneys who are least in need of such service; rather, the prose litigants who might have mobility or cost issues would need such access the most. This is a violation of the 1st Amendment rights of the citizens.

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Finally, lack of equal access opens the door for manipulation of technical default for prose citizens. If some judges have predetermined opinion regarding prose litigants, they can refuse electronic access to prose and the case can be easily be manipulated for technical default for prose citizens. Other judges grant access to prose litigants, further deteriorating equal access for some. Some have been denied equal access even after showing undue medical hardship and among COVID-19 risks during a stay-at-home order.

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Subject: Prose CM/ECF privileges
Date: Thursday, May 07, 2020, 12:21:15 PM

Recommend Prose litigants be granted CM/ECF privileges if they meet rules and decorum in filing in a trial period. No frivolous filing accepted and frivolous and impropriety filings a reason for withdrawal of the privilege on the order of a clerk.

Lemuel C Bray

From: Andrew Straw
Sent: Thursday, May 07, 2020 12:38 PM
To: Rules Committee Secretary
Subject: COVID-19 and US Courts Rule Changes

I am interested principally in prose litigants and disabled court participants.
All court filings should be electronic (email or CM/ECF) for all prose filers.
All prose litigants should automatically be enrolled in "one free look."



Dr. Usha Jain, specializing in Emergency Medicine, Anti-aging, and Pediatrics

Date June 29, 2022

Rebecca A. Womelsdorf, Secretary
Committee on Rules of Practice and Procedure
United States Judicial Conference
One Columbus Circle, NE
Washington, D.C. 20544

Via email: RulesCommittee_Secretary@ao.uscourts.gov

Re: Denial of Electronic Access to Pro Se makes Federal Statute 28 USC § 1447 (c) Unconstitutional

To all Rules Committee Members:

I have emailed the same letter on June 15, 2022 but I am emailing the letter again because there was a scrivener's error of the year to be 2022 and not 2020. The content are exactly the same and only correction is of the year of 2022 instead of 2020. I apologize for the inconvenience. I would appreciate if you can append to my previous filing 22-CV-C.

The grant of the electronic filing is important to get the real-time order to both parties, one who is self-representing and the one who is represented by an attorney. The federal Statute 28 USC § 1447 (c) becomes unconstitutional when one party gets the order from the federal court and self-representing party can get that order only via valid means by mail in three to five days. The remand order can be immediately received by one party represented by an attorney and the state court can take action without the knowledge of the other party. That is unconstitutional. If the electronic filing is granted then both parties get the real-time orders and any action taken in the state court would be valid. I am going to write to the Supreme Court about the denial of electronic filing to pro se party makes Federal Statute 28 USC § 1447 (c) unconstitutional.

“Federal Statute 28 USC § 1447 (c) A certified copy of the order of remand shall be mailed by the clerk to the clerk of the State court. The State court may thereupon proceed with such case.”

The state court can take action like hearing and judgment as soon as the order is entered in the federal court. That order would not reach the self-representing litigants and would have no knowledge of that order for three to five days. The party represented by the counsel and state court taking action without *Pro Se* party's knowledge about the remand order from the federal court is unconstitutional.

I would like to incorporate by reference my filings from before 20-AP-C and 20-CV-J and 22-CV-C which were for comment on Emergency Rulemaking and URGENT Efforts to prevent the

spread of deadly COVID-19 and related deaths from unnecessary exposure. Unequal access to the court filings is not equal justice under law and is unconstitutional.

I request that Rules Committee consider another compelling reason for rules change in granting the electronic access to pro se litigants to keep the constitutionality of Federal Statute 28 USC § 1447 (c).

Gratefully yours,

A handwritten signature in black ink that reads "Usha Jain". The signature is written in a cursive style with a prominent flourish at the end.

Dr. Usha Jain