

1 Jed Margolin, Pro Se
2 1981 Empire Rd.
3 VC Highlands, NV 89521-7430
4 Telephone: 775-847-7845
5 Email: jm@jmargolin.com
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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
12

JED MARGOLIN,

Plaintiff,

vs.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,

Defendant.

)
) Case No. 3:09-cv-00421-LRH-(VPC)
)

) EX PARTE MOTION REQUESTING
) PERMISSION TO CONTINUE USING
) CM/ECF; ORDER
)

13

14 Comes now Plaintiff, Jed Margolin (“Margolin”), appearing pro se, and files his Ex Parte
15 Motion Requesting Permission to continue using CM/ECF. This motion is being filed Ex Parte
16 because it is a procedural matter only.
17

18 A. Margolin has used CM/ECF responsibly in the current case and wishes to continue to use it.

19 The use of CM/ECF includes the following advantages:

- 20 1. It reduces the number of unnecessary trips, saving time and gasoline.
- 21 2. It relieves the Clerk’s staff of the burden of scanning documents.
- 22 3. It allows PDF files to be filed that are text-searchable.

1 **B.** Not only has Margolin used CM/ECF responsibly in the current case he believes he has
2 helped the Court's IP staff identify a likely software flaw that represents a serious security
3 concern in CM/ECF.

4
5 In June 2010 when Margolin attempted to file his Motion for Summary Judgment and
6 Memorandum of Points and Authorities in Support Thereof the CM/ECF system choked, even
7 though each file was under the size limit for files. As a result Margolin had to file some of the
8 documents separately.

9
10 Later, Margolin realized that the manner in which CM/ECF had choked strongly suggested that
11 the CM/ECF software had a particular type of software flaw that is often exploited by hackers to
12 gain control of a system. (Out of security concerns Margolin will not provide further details
13 here.)

14
15 When Margolin realized what the likely cause was, he informed the Court's IP staff of his
16 suspicions and suggested they contact the software vendor and instruct the vendor to fix it.

17
18 As a result Margolin believes that he has done this Court a service that very few attorneys would
19 have been capable of performing.

20
21 **C.** There is some unfinished business between Margolin and NASA. Margolin filed another
22 Freedom of Information Act request with NASA in July 2010 (10-HQ-F-01398). NASA has
23 stonewalled it. See #50 at 51 lines 1-21. Margolin recently received a response from NASA in
24 which NASA unilaterally closed the case asserting that Margolin's request had not been specific

1 enough and that he had not told them where to find the documents. When Margolin asked NASA
2 for instructions for filing an appeal he was told that their decision was not appealable. Since
3 Margolin has exhausted all of the administrative remedies that NASA has to offer, all he can do
4 now is to file another action against NASA.

5
6 In the current case, Document 69 (NASA'S Response To Declaration of Jed Margolin (#68)) one
7 of NASA's complaints was that Margolin had not used CM/ECF to file the Complaint in that
8 case. Therefore, Margolin requests that his permission to continue using CM/ECF include the
9 ability to file Complaints using CM/ECF.

10

11

Conclusion

12

13 For the foregoing reasons, Margolin respectfully requests that the Court grant him permission to
14 continue using CM/ECF and that this permission includes the ability to file Complaints.

15

16

Respectfully submitted,

17

/Jed Margolin/

18

Jed Margolin, plaintiff pro se
19 1981 Empire Rd.
20 VC Highlands, NV 89521-7430
21 775-847-7845
22 jm@jmargolin.com

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Dated: June 20, 2011

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JED MARGOLIN,)	Case No. 3:09-cv-00421-LRH-(VPC)
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
NATIONAL AERONAUTICS AND)	
SPACE ADMINISTRATION,)	
)	
Defendant.)	
_____)	

On Motion of the Plaintiff,

IT IS HEREBY ORDERED that Plaintiff's motion to be given permission to continue using the Court's CM/ECF system, and that this permission include the ability to file Complaints, is GRANTED.

DATED this ____th day of June, 2011.

United States District Judge	Larry R. Hicks