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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
12

JED MARGOLIN,)	Case No. 3:09-cv-00421-LRH-(VPC)
)	
Plaintiff,)	RESPONSE TO NASA’S RESPONSE (#69)
)	
vs.)	
)	
NATIONAL AERONAUTICS AND)	
SPACE ADMINISTRATION,)	
)	
Defendant.)	
_____)	

13
14 Comes now Plaintiff, Jed Margolin (“Margolin”), appearing pro se, and files his
15 Response to NASA’s Response (#69).

16 **Introduction**

17 NASA objects to Margolin’s costs, asserting that they are unreasonable.

18 **A.** NASA asserts that Margolin’s trips to the Courthouse were unnecessary because he
19 could have filed them electronically through CM/ECF or he could have mailed them. (#69 at 2,
20 lines 12-14)

21 **B.** NASA asserts that Margolin has an “aversion” to traveling to the Courthouse. (#69 at
22 2, line 26)

1 **Complaint (#1)**

2
3 While attorneys are required by Special Rule 109 to use CM/ECF, non-attorneys may not
4 register for CM/ECF unless authorized by the Court after filing a motion. From UNITED
5 STATES DISTRICT COURT DISTRICT OF NEVADA ELECTRONIC FILING
6 PROCEDURES Revised August 24, 2006, page 1 (Exhibit 1 at 12):

7 **I. SCOPE OF ELECTRONIC FILING**

8 .
9 .
10 .

11 **C. Non-Attorney Eligibility**

12
13 Non-attorneys shall not register as Filing Users unless, after motion, authorized to
14 do so by the court.
15

16 **1.** In order to file a motion (for permission to use CM/ECF) one must first have a case number.

17 **2.** In order to get a case number one must first file a Complaint.

18 Therefore, a non-attorney cannot file a motion for permission to use CM/ECF until he has filed a
19 Complaint and, not yet having permission to use CM/ECF, he must file the Complaint on paper.

20
21 **Ex Parte Motion for Pro Se Litigant to File Electronically by Plaintiff Jed Margolin (#3)**

22 The reasoning is similar here. Margolin could not use CM/ECF to file his Ex Parte Motion for
23 permission to use CM/ECF until he had gotten permission to use CM/ECF which required the
24 filing of the Motion.
25

1 **Filing Proof of Service (#4); Certificate of Interested Parties (#5)**

2 Margolin did not know when (or if) his Motion for permission to use CM/ECF would be granted
3 and did not want to delay his Filing Proof of Service (#4) and Certificate of Interested Parties
4 (#5).

5
6 **File CM/ECF Registration Form**

7 When the Court granted Margolin permission to use CM/ECF it did not mean Margolin could
8 immediately start using it. There was a process that Margolin had to go through, which included
9 filing the CM/ECF Registration Form. And that meant a trip to the Courthouse to file it.

10

11 **Appendix filed with Court (## 11-12)**

12 The documents comprised:

- 13 • Document 11 Memorandum of Points and Authorities in Support of Plaintiff's
14 Opposition to Motion to Dismiss (#9)
15 • Document 11-2 Appendix to Memorandum of Points and Authorities in Support of
16 Plaintiff's Opposition to Motion to Dismiss (#9)
17 • Document 12 Motion For Leave to File Amended Complaint
18 • Document 12-2 First Amended Complaint
19 • Document 12-3 Appendix for First Amended Complaint: Exhibit 1 - Exhibit 12
20 • Document 12-4 Appendix for First Amended Complaint: Exhibit 13 - Exhibit 16
21

22 Margolin was complying with the Court request that parties filing documents longer than 50
23 pages provide the Court with a paper Courtesy Copy.

24

25 Margolin denies that the filings were excessively long.

26

27 This was a complicated case. It was complicated because NASA made it complicated.

1 This FOIA case was related to the claim for compensation that Margolin filed with NASA in
2 2003, and which NASA stonewalled for all those years. And when Margolin filed his FOIA
3 request NASA stonewalled that, too, which necessitated this lawsuit.

4
5 Margolin points out that as soon as he was able to use CM/ECF he did so. He also complied with
6 the Court's request for Courtesy Copies as noted above.

7
8 NASA asserts that Margolin could have mailed the various filings instead of bringing them to the
9 Courthouse.

10
11 Mailing, using USPS, entails its own expenses (traveling and postage) and expenditure of time in
12 finding a proper size box, packing it, addressing it, and filling out a Proof of Delivery slip. It also
13 frequently involves long waits standing in line at the Post Office.

14
15 More importantly, it adds uncertainty to the process. When will it be delivered? Will it be
16 delivered at all? Will I miss a deadline because of this?

17
18 No doubt NASA has other criticisms about how Margolin handled his side of the case.

19
20 **B.** NASA asserts that Margolin has an "aversion" to traveling to the Courthouse. (#69 at 2, line
21 26)

22
23 Margolin did not use the word "aversion." The word "aversion" is an emotionally loaded word.
24 Emotionally loaded words spill over onto the surrounding words. That's why they are used in

1 poetry, literature, and songs. In this instance Margolin’s “aversion” to traveling to the
2 Courthouse becomes “Margolin has an ‘aversion to the Courthouse.’” That is not only wrong, it
3 is prejudicial.

4
5 Margolin does not have an aversion to the Courthouse. On the contrary, Margolin has always
6 found the Security Detail in the Courthouse entrance to be professional and courteous, and the
7 staff at the Clerk’s Window to be friendly and helpful.

8
9 Margolin does prefer to not make unnecessary trips. Unnecessary trips waste time and gasoline.
10 Avoiding unnecessary trips is generally considered a positive thing. But not by NASA.

11
12 **C.** NASA asserts that Margolin is not entitled to mileage to the Washoe County Law Library
13 because he could have conducted his legal research online through the Library’s Web site. (#69
14 at 3, lines 13-19).

15
16 Margolin’s Legal Research at the Washoe County Law Library was to access Westlaw and/or
17 LexisNexis. These databases are not available to library members at home through the Library’s
18 Web site. From the Library’s Web site (<http://www.co.washoe.nv.us/lawlib>) under **Law Library**
19 **Subscription Databases:** “LoisLaw, Westlaw and LexisNexis can only be accessed within the
20 Law Library.” See Exhibit 2 at 14.

21
22 **D.** NASA asserts that Margolin is not entitled to copying and mailing the complaint because it
23 was unnecessarily voluminous. (#69 at 4, lines 4-12)

24

1 As Margolin stated above, Margolin denies that the complaint was excessively long.

2 This was a complicated case. It was complicated because NASA made it complicated.

3
4 This FOIA case was related to the claim for compensation that Margolin filed with NASA in
5 2003, and which NASA stonewalled for all those years. And when Margolin filed his FOIA
6 request NASA stonewalled that, too, which necessitated this lawsuit.

7
8 Margolin points out that as soon as he was able to use CM/ECF he did so. He also complied with
9 the Court's request for Courtesy Copies as note above.

10

11 **E.** NASA asserts that Margolin is not entitled to all of his PACER costs. (#69 at 4, lines 13-17)

12

13 Sometimes it is productive to go directly to Court documents. An example is Exhibit 6 in
14 Document 11-2, reproduced here as Exhibit 3 at 16. PACER costs \$0.08/page, including
15 document indices and docket reports, whether they are productive or not.

16

17 **F.** NASA's Response suggests that Margolin has not used CM/ECF responsibly. Margolin
18 believes NASA has an ulterior motive for doing this.

19

20 Margolin filed another Freedom of Information Act request with NASA in July 2010 (10-HQ-F-
21 01398). NASA has stonewalled it. See #50 at 51 lines 1-21. Margolin recently received a
22 response from NASA in which NASA unilaterally closed the case asserting that Margolin's
23 request had not been specific enough and that he had not told them where to find the documents.
24 When Margolin asked NASA for instructions for filing an appeal he was told that their decision

1 was not appealable. Since Margolin has exhausted all of the administrative remedies that NASA
2 has to offer, all he can do now is to file another action against NASA. Margolin believes NASA
3 wants this Court to believe that Margolin has not used CM/ECF responsibly in order to deny him
4 further use of CM/ECF. Therefore, concurrent with this Response Margolin is filing an ex parte
5 motion for permission to continue using CM/ECF including the ability to use CM/ECF for filing
6 Complaints.

1 **Conclusion**

2
3 For the foregoing reasons, Margolin respectfully requests that the Court approve his costs as
4 filed in his Affidavit (#68).

5
6 Respectfully submitted,

7 /Jed Margolin/

8 Jed Margolin, plaintiff pro se
9 1981 Empire Rd.
10 VC Highlands, NV 89521-7430
11 775-847-7845
12 jm@jmargolin.com

13 Dated: June 20, 2011

14
15
16 CERTIFICATE OF SERVICE

17 The undersigned hereby certifies that service of the foregoing RESPONSE TO NASA'S
18 RESPONSE (#69) has been made by electronic notification through the Court's
19 electronic filing system on June 20, 2011.

20
21 /Jed Margolin/

22 Jed Margolin

Exhibit 1

Exhibit 1



UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ELECTRONIC FILING PROCEDURES

Revised August 24, 2006

I. SCOPE OF ELECTRONIC FILING

A. Requirement for Electronic Filing

All cases and proceedings filed on or after January 1, 2006 shall be assigned to the Electronic Filing System. Except as provided elsewhere in these Procedures, all documents filed in connection with a case that has been assigned to the System will be filed electronically. Unless specified elsewhere, Electronic Documents shall otherwise conform to all applicable statutes, rules or Court Orders.

B. Parties Required to be Filing Users

Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures.

C. Non-Attorney Eligibility

Non-attorneys shall not register as Filing Users unless, after motion, authorized to do so by the court.

II. REGISTRATION, TRAINING AND PASSWORDS

A. Registration

An Applicant seeking to become a Filing User shall submit a Registration Form provided by the Clerk of the Court.

Registration Forms may be obtained from, and submitted to, one of the following addresses, as appropriate, depending on the location of the Applicant's place of business or residence:

www.nvd.uscourts.gov

OR

United States District Court
333 Las Vegas Boulevard South
Room 1334
Las Vegas, NV 89101
(702) 464-5460

OR

Exhibit 2

Exhibit 2

[County Home](#) => [LAW LIBRARY HOME](#)

Washoe County Law Library

Located in the [Historic Courthouse at 75 Court Street in Reno, Nevada](#)

Phone: 775-328-3250

Law Library hours: | Monday, Thursday, & Friday 8am - 5pm | Tuesday & Wednesday 10am - 7pm |

[Announcements](#)

Info on the Law Library's Lawyer in the Library and Legal Seminar Programs is at the bottom of this page.

[LEARN HOW TO USE THE LAW LIBRARY'S LEXISNEXIS SUBSCRIPTION](#)

Lexis Class: Learn how to construct a basic search; validate whether something is still good law (Shepardize); use related content to expand your research; discover quick tools for frequent tasks and infrequent users. - Earn CLE Credit - Everyone welcome to attend.

Thursday, June 16th - Two sessions offered: 2 pm & 3:30pm

Space is limited! Reserve your seat by calling the Law Library today 328-3250.

[Helpful Online Legal Resources](#)

1. [Online Catalog](#) find Law Library resources here & [Instructions](#) for accessing your library account.
2. [Nevada Revised Statutes \(2009\)](#) - link to current laws and regulations.
3. [Nevada Offense Codes](#)
4. [Standardized forms](#) for all Nevada District Courts for Landlord/Tenant, Guardianship, Divorce and Appellate Practice
5. [Nevada Legal Resources Directory](#) - agencies that offer free (or low cost) legal and related help.
6. [Nevada Supreme Court](#) - [Published Advance Opinions](#) and [Unpublished Orders](#)
7. [Sealing of Criminal Records in Washoe](#) Law, forms and instructions for use in the Washoe Co. District Court.
8. [Abandoned Vehicle Writ of Mandamus](#) - Sample Forms - It is important to remember that the forms you find here are just a starting point. They may provide you with ideas on content and style but specific requirements vary by court.
9. [Foreclosure Information for Renters](#)
10. [Lawyer Referral and Information Service](#) State Bar of Nevada.
11. [Washoe County Bar Association](#) -find a lawyer (by area of practice)
12. [Certain Laws Relating to Sex Offenders...](#)

For other forms go to the [Forms and Petitions](#) webpage.

[Washoe County Second Judicial District Court](#)

- [Self-Help Center](#) for Second Judicial District Family Court
- [WDCR Rule 10](#) (court styling), [Civil Cover Sheet](#) and [Affirmation](#) form.

[Law Library Subscription Databases:](#)

- Westlaw, LexisNexis, LoisLaw, Gale and EBSCO: Legal Information Reference Center and Legal Collection.
- LoisLaw, Westlaw and LexisNexis can only be accessed within the Law Library.



Click on the EBSCO HOST Icon to access the database if you have a user ID & password.

- Please call the Law Library during open hours for a temporary ID & password.

Exhibit 3

Exhibit 3

07-4943-cv
John Doe Inc., et al. v. Mukasey, et al.

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

August Term 2008

Heard: August 27, 2008

Decided: December 15, 2008

Docket No. 07-4943-cv

JOHN DOE, INC., JOHN DOE, AMERICAN CIVIL LIBERTIES
UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION,
Plaintiffs-Appellees,

v.

MICHAEL B. MUKASEY, in his official capacity as
U.S. Attorney General of the United States,
ROBERT MUELLER, in his official capacity as
Director of the Federal Bureau of Investigation,
VALERIE E. CAPRONI, in her official capacity as
General Counsel of the Federal Bureau of
Investigation,
Defendants-Appellants.

Before: NEWMAN, CALABRESI, and SOTOMAYOR, Circuit Judges.

Appeal by the Government from the September 7, 2007, judgment of
the United States District Court for the Southern District of New York
(Victor Marrero, District Judge), in litigation concerning First
Amendment challenges to the constitutionality of statutes governing
the issuance and judicial review of National Security Letters
("NSLs"), 18 U.S.C. §§ 2709, 3511(b), which request records from
providers of wire or electronic communication services. The judgment,
stayed on appeal, enjoins FBI officials from (1) issuing NSLs under