

1 **WO**

2

3

4

5

6

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

7

8

9

Richard Theodore Fifer,

)

No. CV 10-1727-PHX-RCB (JRI)

10

Plaintiff,

)

ORDER

11

vs.

)

12

City of Phoenix, et al.,

)

13

Defendants.

)

14

15

On August 13, 2010, Plaintiff Richard Theodore Fifer, who is confined in the Arizona State Prison Complex-Yuma, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 and an Application to Proceed *In Forma Pauperis*. On September 23, 2010, the Court granted the Application and dismissed the Complaint with leave to amend. On October 14, 2010, Plaintiff filed a First Amended Complaint (Doc. 7).

16

17

18

19

20

I. First Amended Complaint is not signed

21

All pleadings must be signed by the party if the party is not represented by an attorney. Fed. R. Civ. P. 11(a) and LRCiv 3.4(a), 7.1(b)(1). An unsigned pleading must be stricken unless omission of the signature is corrected promptly after being called to the attention of the party. Fed. R. Civ. P. 11(a).

22

23

24

25

Plaintiff's Amended Complaint is unsigned. Therefore, Plaintiff will be permitted 30 days from the filing date of this Order to submit a completed and signed Certificate, using the Certificate form included with this Order, certifying that Plaintiff's signature on the Certificate shall serve as an original signature on his Amended Complaint for the purposes

26

27

28

1 of Rule 3.4(a) of the Local Rules of Civil Procedure and Rule 11 of the Federal Rules of
2 Civil Procedure.

3 **II. Warnings**

4 **A. Address Changes**

5 Plaintiff must file and serve a notice of a change of address in accordance with Rule
6 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other
7 relief with a notice of change of address. Failure to comply may result in dismissal of this
8 action.

9 **B. Copies**

10 Plaintiff must submit an additional copy of every filing for use by the Court. See
11 LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice
12 to Plaintiff.

13 **C. Possible Dismissal**

14 If Plaintiff fails to timely comply with every provision of this Order, including these
15 warnings, the Court may dismiss this action without further notice. Ferdik v. Bonzelet, 963
16 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to
17 comply with any order of the Court).

18 **IT IS ORDERED:**

19 (1) Within 30 days of the date this Order is filed, Plaintiff must file a completed
20 and signed Certificate, using the Certificate form provided with this Order, certifying that
21 Plaintiff's signature on the Certificate shall serve as an original signature on his Amended
22 Complaint for the purposes Rule 3.4(a) of the Local Rules of Civil Procedure and Rule 11
23 of the Federal Rules of Civil Procedure.

24 (2) If Plaintiff fails to file, within 30 days, a completed and signed Certificate on
25 the form provided with this Order, the Clerk of Court must strike Plaintiff's Amended
26 Complaint and enter a judgment of dismissal of this action without prejudice and without
27 further notice to Plaintiff.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(3) The Clerk of Court must mail Plaintiff a Certificate form.

DATED this 28th day of October, 2010.



Robert C. Broomfield
Senior United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

I further certify that my signature on this document shall serve as an original signature on the above-referenced Amended Complaint for the purposes of Local Rule of Civil Procedure 3.4(a) and Rule 11 of the Federal Rules of Civil Procedure.

EXECUTED on this _____ day of _____, 2010.

(Signature of Plaintiff)
Richard Theodore Fifer