

1 **WO**

2

3

4

5

6

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

7

8

9

Daniel VanDaalen,)

No. CV 12-642-PHX-RCB (ECV)

10

Plaintiff,)

ORDER

11

vs.)

12

CO II C. Travis, et al.,)

13

Defendants.)

14

15

On March 26, 2012, Plaintiff Daniel VanDaalen, who is confined in the Arizona State Prison Complex-Tucson in Tucson, Arizona, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 (Doc. 1) and an Application to Proceed *In Forma Pauperis*. On March 28, 2012, he filed a Motion for Appointment of Counsel.

19

I. Complaint is not signed

20

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, 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).

24

Plaintiff's 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 Complaint for the purposes of Rule 3.4 of the Local Rules of Civil Procedure and Rule 11 of the Federal Rules of Civil Procedure.

1 **II. Warnings**

2 **A. Address Changes**

3 Plaintiff must file and serve a notice of a change of address in accordance with Rule
4 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other
5 relief with a notice of change of address. Failure to comply may result in dismissal of this
6 action.

7 **B. Copies**

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

11 **C. Possible Dismissal**

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

16 **IT IS ORDERED:**

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

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

26

27

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 25th day of April, 2012.



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 Complaint for the purposes of Local Rule of Civil Procedure 3.4 and Rule 11 of the Federal Rules of Civil Procedure.

EXECUTED on this _____ day of _____, 2012.

(Signature of Plaintiff)
Daniel VanDaalen