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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Walter C Goedecke,

10 Plaintiff,

11 v.

12 Unknown Mooney, et al.,

13 Defendants.  
14

No. CV-16-03432-PHX-JAT (ESW)

**ORDER**

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16 This is a civil rights action initiated by Arizona state prisoner Walter C. Goedecke  
17 (“Plaintiff”) pursuant to 42 U.S.C. § 1983. The Court ordered Defendants Mooney,  
18 Thomas, Headstream, and Black to answer Counts One, Two, and Three of the  
19 Complaint (Doc. 1). (Doc. 6 at 10). Defendants Mooney, Headstream, and Black have  
20 answered the Complaint (Docs. 15, 18). Service was returned unexecuted as to  
21 Defendant Thomas on May 18, 2017 (Doc. 10).

22 On March 29, 2017, the Court ordered the Plaintiff to “either obtain a waiver of  
23 service of the summons or complete service of the Summons and Complaint on a  
24 Defendant within 90 days of the filing of the Complaint or within 60 days of the filing of  
25 this Order, whichever is later,” or “the action may be dismissed as to each Defendant not  
26 served. Fed. R. Civ. P. 4(m); LRCiv 16.2(b)(2)(B)(ii).” (Doc. 6 at 10). The time for  
27 executing service of process on Defendant Thomas has expired, and no affidavit of  
28 service or waiver of service has been filed. Plaintiff will be ordered to show cause no

1 later than November 6, 2017 why his Complaint (Doc. 1) as to Defendant Thomas should  
2 not be dismissed without prejudice for failure to timely serve.

3 On June 12, 2017, Plaintiff filed a Second Amended Complaint (Doc. 14). The  
4 Second Amended Complaint does not comply with Local Rule of Procedure 15.1, which  
5 requires an amended pleading to indicate in what respect it differs from the original  
6 pleading “by bracketing or striking through the text that was deleted and underlining the  
7 text that was added.” The Court notes that Plaintiff has added and deleted language in  
8 each of Counts One, Two, and Three without bracketing or striking through the text  
9 deleted and underlining text that was added.

10 A district court’s local rules are not petty requirements, but have “the force of  
11 law.” *Hollingsworth v. Perry*, 558 U.S. 183, 191 (2010) (citation omitted). The Ninth  
12 Circuit has made clear that a pro se litigant must “abide by the rules of the court in which  
13 he litigates.” *Bias v. Moynihan*, 508 F.3d 1212, 1223 (9th Cir. 2007). The District Court  
14 of Arizona routinely denies parties the opportunity to amend a complaint for failure to  
15 comply with LRCiv 15.1. *See, e.g., Bivins v. Ryan*, No. CV-12-1097- PHX-ROS  
16 (LOA), 2013 WL 321847, at \*4 (D. Ariz. Jan. 28, 2013); *Huminski v. Heretia*, No.  
17 CV11-0896-PHX-DGC, 2011 WL 2910536, at \*1 (D. Ariz. July 18, 2011); *Miles v. King*,  
18 No. CV-13-370-PHX-SRB (LOA), 2013 WL 5526997 (D. Ariz. Oct. 7, 2013). The  
19 Court will strike the Second Amended Complaint (Doc. 14) without prejudice.

20 The Court previously struck Plaintiff’s First Amended Complaint for failure to  
21 comply with the Federal and Local Rules of Civil Procedure (Doc. 12 at 2). The time to  
22 file motions to amend the complaint and to join additional parties expired on August 21,  
23 2017 (Doc. 16 at 4). Therefore, should Plaintiff wish to amend his Complaint (Doc. 1),  
24 he must set forth good cause to do so after the expiration of the deadline, and he will be  
25 moving to amend the Complaint (Doc. 1) and lodging a proposed First Amended  
26 Complaint that complies with the Federal and Local Rules of Civil Procedure. *See*  
27 *Johnson v. Mammoth Recreations, Inc.*, 975 F. 2d 604, 610 (9<sup>th</sup> Cir. 1992); Fed. R. Civ.  
28 P. 16(b)(4).

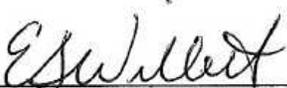
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Based on the foregoing,

**IT IS ORDERED** striking the Second Amended Complaint (Doc. 14) without prejudice.

**IT IS FURTHER ORDERED** that Plaintiff show cause no later than **November 6, 2017** why his Complaint (Doc.1) as to Defendant Thomas should not be dismissed without prejudice for failure to serve pursuant to Fed. R. Civ. P. 4(m).

Dated this 23rd day of October, 2017.

  
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Eileen S. Willett  
United States Magistrate Judge