

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JOHN ALLEN,

Plaintiff,

v.

HENSE, et al.,

Defendants.

CASE NO. 1:08-cv-00917 DLB PC

ORDER DIRECTING CLERK'S OFFICE TO  
SEND COPY OF MOTION FOR  
RECONSIDERATION TO PLAINTIFF FOR  
SIGNATURE

(Doc. 9)

**FIFTEEN DAY DEADLINE**

Plaintiff John Allen ("plaintiff") is a state prisoner who was proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On February 3, 2009, the Court dismissed Plaintiff's complaint for failure to state any claims upon which relief may be granted and ordered Plaintiff to file an amended complaint within thirty days. Plaintiff did not file an amended complaint and on March 23, 2009, this Court issued an order dismissing the action for failure to state a claim and failure to obey a court order. (Doc. 7, 8.)

On April 6, 2009, Plaintiff filed an unsigned motion for reconsideration, stating that he had complied with the Court's order. Plaintiff states that he submitted an amended complaint but neglected to write the case number on his amended complaint. As a result, the amended complaint was processed as a new complaint in a new action bearing case number 1:09-cv-00433 SMS PC. (Doc. 9.)

Plaintiff's motion for reconsideration is unsigned and the Court cannot consider unsigned filings. Fed. R. Civ. P. 11(a). Accordingly, the Clerk's Office is HEREBY DIRECTED to send to

1 Plaintiff a copy of the Motion for Reconsideration. (Doc. 9.) Within fifteen (15) days of service of  
2 this order, Plaintiff shall sign and re-file the motion.

3 Failure to comply with this order will result in a Court order striking the motion for  
4 reconsideration.

5  
6 IT IS SO ORDERED.

7 **Dated: September 23, 2009**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE