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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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9 Tony Edward Powell,) No. CV 1-08-1443-SMM
10 Plaintiff,) **ORDER**
11 vs.)
12 Dennis Smith, et al.,)
13 Defendants.)
14

15 On March 23, 2009, Plaintiff Tony Edward Powell, who is confined in the United
16 States Penitentiary-Atwater, filed a *pro se* Third Amended Complaint pursuant to Bivens v.
17 Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

18 **I. Third Amended Complaint is not signed**

19 All pleadings must be signed by the party if the party is not represented by an
20 attorney. Fed. R. Civ. P. 11(a) and LRCiv 7-131(b). An unsigned pleading must be stricken
21 unless omission of the signature is corrected promptly after being called to the attention of
22 the party. Fed. R. Civ. P. 11(a).

23 Plaintiff's Third Amended Complaint is unsigned. Therefore, Plaintiff will be
24 permitted 30 days from the filing date of this Order to submit a completed and signed
25 Certificate, using the Certificate form included with this Order, certifying that Plaintiff's
26 signature on the Certificate shall serve as an original signature on his Third Amended
27 Complaint for the purposes of Rule 7-131(b) of the Local Rules of Civil Procedure and Rule
28 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 83-182(f) and 83-183(b) of the Local Rules of Civil Procedure. Plaintiff must not include
5 a motion for other relief with a notice of change of address. Failure to comply may result in
6 dismissal of this action.

7 **B. Copies**

8 Plaintiff must submit an additional copy of every filing for use by the Court. See
9 LRCiv 5-133(d)(2). Failure to comply may result in the filing being stricken without further
10 notice 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. See *Ferdik v. Bonzelet*,
14 963 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 Third
20 Amended Complaint for the purposes of Rule 7-131(b) of the Local Rules of Civil Procedure
21 and Rule 11 of the Federal 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 Third Amended
24 Complaint and enter a judgment of dismissal of this action without prejudice and without
25 further notice to Plaintiff.

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

2 DATED this 2nd day of April, 2009.

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6 Stephen M. McNamee
7 United States District Judge
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1 _____
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(Your Name and Address)
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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
8

9 Tony Edward Powell,) No. CV1-08-1443-SMM
10 Plaintiff,) **CERTIFICATE**
11 vs.)
12 Dennis Smith, et al.,)
13 Defendants.)
14 _____

15 I, **Tony Edward Powell**, hereby certify:

16 I have read the *pro se* Third Amended Complaint (Doc. #18) filed by me on March
17 23, 2009, and to the best of my knowledge, information, and belief, formed after an
18 inquiry reasonable under the circumstances:

19 (1) it is not being presented for any improper purpose, such as to
20 harass or to cause unnecessary delay or needless increase in the cost
21 of litigation;

22 (2) the claims, defenses, and other legal contentions therein are
23 warranted by existing law or by a nonfrivolous argument for the
24 extension, modification, or reversal of existing law or the
25 establishment of new law;

26 (3) the allegations and other factual contentions have evidentiary
27 support or, if specifically so identified, are likely to have evidentiary
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support after a reasonable opportunity for further investigation or
discovery; and
(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 Rule 7-131(b) of the
Local Rules of Civil Procedure and Rule 11 of the Federal Rules of Civil Procedure.

EXECUTED on this _____ day of _____, 2009.

(Signature of Plaintiff)
Tony Edward Powell