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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JESSE GALINDO,

Plaintiff,

v.

MATTHEW CATE, et al.,

Defendants.

CASE NO. 1:09-cv-00624-OWW-SKO PC

SECOND ORDER STRIKING PLAINTIFF’S
UNSIGNED OBJECTION, AND DIRECTING
CLERK’S OFFICE TO RETURN PLAINTIFF’S
PROPOSED FIFTH AMENDED COMPLAINT

(Docs. 26 and 27)

Plaintiff Jesse Galindo is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On May 2, 2011, the Court screened Plaintiff’s fourth amended complaint and recommended that this action be dismissed for failure to state any claims under section 1983. On May 13, 2011, Plaintiff filed an unsigned one page objection and submitted a proposed fifth amended complaint. In an order filed on May 17, 2011, the objection was stricken from the record for lack of signature, Plaintiff was granted an extension of time to file a signed objection, and Plaintiff’s fifth amended complaint was returned to him.¹ Plaintiff was informed that at this stage in the proceedings, he may not amend as a matter of right, and the Court has issued its recommendation following review of Plaintiff’s fourth amended complaint. Plaintiff was further informed that if he disagrees with the findings and recommendations, his recourse is limited to filing an objection, and he may not file another amended complaint in response to the findings and recommendations.

¹ The deadline to file a signed objection is June 16, 2011.

1 On May 24, 2011, Plaintiff filed an amended objection, again unsigned, and a proposed fifth
2 amended complaint. Because the objection was dated May 17, 2011, the Court recognizes that
3 Plaintiff was not yet in receipt of the Court's May 17, 2011, order when he submitted the amended
4 objection and proposed fifth amended complaint.

5 For the reasons set forth in the Court's previous order and summarized above, Plaintiff's
6 unsigned amended objection is HEREBY ORDERED stricken from the record, and the Clerk's
7 Office is directed to return Plaintiff's proposed fifth amended complaint to him.

8
9 IT IS SO ORDERED.

10 **Dated: May 31, 2011**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE