



1 Civ. P. 11(b)(2), (c)(2). Before filing a motion for sanctions with the court, however, the  
2 party must first serve it on the opposing party and allow the opposing party a “safe  
3 harbor” of 21 days in which to withdraw or correct the challenged filing. Fed. R. Civ. P.  
4 11(c)(2); see also, e.g., Retail Flooring Dealers of Am., Inc. v. Beaulieu of Am., LLC, 339  
5 F.3d 1146, 1150 (9th Cir. 2003). The safe harbor provision is mandatory. Truesdell v. S.  
6 Cal. Permanente Med. Grp., 293 F.3d 1146, 1152 (9th Cir. 2002); Radcliffe v. Rainbow,  
7 254 F.3d 772, 789 (9th Cir. 2001). A party that fails to comply with the safe harbor  
8 provision, e.g., by filing a motion for sanctions fewer than 21 days after serving it on the  
9 opposing party, is not entitled to sanctions. Holgate v. Baldwin, 425 F.3d 671, 678-679  
10 (9th Cir. 2005); Radcliffe, 254 F.3d at 789.

## 12 II. ANALYSIS

13 Plaintiff moved for sanctions under Fed. R. Civ. P. 11 on the ground that  
14 Defendants’ motion to revoke his *in forma pauperis* status (ECF No. 83) was “baseless  
15 and frivolous.”

17 Plaintiff did not comply with the safe harbor provision of Rule 11. The certificate  
18 of service accompanying his motion for sanctions is dated July 12, 2015. (ECF No. 101,  
19 at 7.) The motion was filed on July 15, 2015. (ECF No. 101, at 1.) Plaintiff did not give  
20 Defendants 21 days to correct or withdraw their filings. Therefore, Plaintiff is not entitled  
21 to sanctions, see, e.g. Holgate, 425 F.3d at 679, and the Court will deny his motion.

22 Based on the foregoing, it is HEREBY ORDERED that Plaintiff’s July 15, 2015  
23 motion for sanctions (ECF No. 101) is DENIED.

24 IT IS SO ORDERED.

25 Dated: August 31, 2015

26 /s/ Michael J. Seng  
27 UNITED STATES MAGISTRATE JUDGE  
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