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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

G. J. GUTIERREZ,
Plaintiff,
vs.
A. GUTIERREZ,
Defendant.

1:13-cv-00421-GSA-PC
ORDER GRANTING DEFENDANTS’
MOTION TO STRIKE PLAINTIFF’S
OPPOSITION
(Doc. 28.)
ORDER STRIKING PLAINTIFF’S
OPPOSITION FOR LACK OF SIGNATURE,
WITH LEAVE TO FILE AN OPPOSITION
BEARING HIS SIGNATURE WITHIN
TWENTY DAYS
(Doc. 24.)

G. J. Gutierrez ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds on the initial Complaint filed by Plaintiff on March 22, 2013, against defendant Correctional Officer A. Gutierrez ("Defendant") for use of excessive force and failure to protect Plaintiff. (Doc. 1.)

On July 31, 2014, Defendant filed a motion to strike Plaintiff's opposition to Defendant's motion to dismiss, for lack of Plaintiff's signature. (Doc. 28.)

Defendant's motion to strike shall be granted. An examination of Plaintiff's opposition, filed on June 30, 2014, shows that it does not contain Plaintiff's signature. (Doc. 24.) All filings submitted to the court must bear the signature of the filing party. Local Rule 131; Fed.

1 R. Civ. P. 11(a). Plaintiff's opposition shall be stricken¹ from the record, with leave to file an
2 opposition bearing his signature within twenty days. Defendant may file a reply to the signed
3 opposition within twenty days of the date the signed opposition is filed.

4 Based on the foregoing, IT IS HEREBY ORDERED that:

- 5 1. Defendant's motion to strike Plaintiff's opposition, filed on July 31, 2014, is
6 GRANTED;
- 7 2. Plaintiff's opposition to Defendant's motion to dismiss, filed on June 30, 2014,
8 is STRICKEN from the record;
- 9 3. Plaintiff may file an opposition bearing his signature within twenty days of the
10 date of service of this order; and
- 11 4. Defendant's reply to the signed opposition, if any, is due within twenty days of
12 the date the signed opposition is filed.

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14 IT IS SO ORDERED.

15 Dated: August 1, 2014

16 /s/ Gary S. Austin
17 UNITED STATES MAGISTRATE JUDGE
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27 ¹ A document which is "stricken" will not be considered by the Court for any purpose. (Informational
28 Order, Doc. 4 at 2 ¶II.A.)