

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MERRICK JOSE MOORE,
Plaintiff,
v.
GIPSON, et al,
Defendants.

Case No. 1:13-cv-01820-DAD-BAM (PC)
ORDER STRIKING DECLARATION OF
NON-PARTY
(ECF No. 68)

Plaintiff Merrick Jose Moore (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s Eighth Amendment claims for excessive force against Defendants Meier, Casas, Childress, and Adams, and for failure to intervene against Defendants Ford and Thornburg. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 12, 2018, a non-party, Carmi Johnson, filed a declaration in this matter. (ECF No. 68.) Ms. Johnson identifies herself in the declaration as the cousin of Plaintiff. Attached are various exhibits, including letters purportedly sent to Ms. Johnson from Plaintiff, emails, and envelopes.

Both the Federal Rules of Civil Procedure and this Court’s Local Rules require that all filed pleadings, motions, and papers be signed by at least one attorney of record or by the party

1 personally if the party is represented. Fed. R. Civ. P. 11(a); Local Rule 131(b).

2 The declaration does not state any particular motion or pending request in this action to
3 which it relates. Further, this document is not signed by an attorney of record or by a party, and
4 as such it will be stricken from the record. Plaintiff is advised that to the extent he would submit
5 evidence in support of a pending request, that evidence should be attached to a proper filing,
6 signed by Plaintiff, that explains what the evidence is and for what purpose it should be
7 considered.

8 Furthermore, at this time, the only pending matter is Plaintiff's motion for an extension of
9 time regarding the submission of his discovery responses. Defendants' opposition or statement of
10 non-opposition to that request is currently due on or before March 19, 2018.

11 Accordingly, it is **HEREBY ORDERED** that the Declaration of Carmi Johnson, filed
12 March 12, 2018, (ECF No. 68), is **STRICKEN** from the record.

13
14 **IT IS SO ORDERED.**

15 Dated: **March 16, 2018**

/s/ Barbara A. McAuliffe
16 UNITED STATES MAGISTRATE JUDGE

17
18
19
20
21
22
23
24
25
26
27
28