

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARGARITA CALIXTRO.

Plaintiff,

V.

CAROLYN COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No.: 1:13-cv-01880-GSA

**ORDER REQUIRING AMENDMENT OF
PLAINTIFF'S OPENING BRIEF**

(Doc. No. 26)

Pro se plaintiff Margarita Calixtro (“Plaintiff”) was previously directed to submit an Opening Brief in this case no later than December 19, 2014. (Doc. No. 24.) On December 19, 2014, Plaintiff, through her husband, Alejo Calixtro, filed with the Court a short letter in which Mr. Calixtro provided a summary of Plaintiff’s medical condition. (Doc. No. 26.) The letter is unsigned by either Plaintiff or Mr. Calixtro. *Id.*

As explained in the Court’s Informational Order (Doc. No. 25), a copy of which was served on Plaintiff on October 21, 2014, all parties, whether or not they are proceeding pro se, must comply with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court, Eastern District of California. *Id.* at 4. Local Rule 183(a) requires that “[a]ny individual who is representing himself or herself without an attorney must appear personally or

1 by courtesy appearance by an attorney admitted to the Bar of this Court and may not delegate that
2 duty to any other individual, *including husband or wife*, or any other party on the same side
3 appearing without an attorney.” (emphasis added.) Plaintiff is advised that any filings or
4 appearances for Plaintiff must be made by Plaintiff and not by Mr. Calixtro. **Failure to comply**
5 **with the Local Rules, Federal Rules, or a Court Order will be grounds for dismissal or other**
6 **appropriate sanctions.**

7 In addition, Federal Rule of Civil Procedure 11 provides that: “Every pleading, written
8 motion, and other paper must be signed by at least one attorney of record in the attorney’s
9 name—or by a party personally if the party is unrepresented. . . [t]he court must strike an
10 unsigned paper unless the omission is promptly corrected after being called to the attorney’s or
11 party’s attention.” The letter submitted by Mr. Calixtro is not signed by Plaintiff.

12 Plaintiff is advised that the letter will not be treated as Plaintiff’s Opening Brief and will
13 be stricken from the record unless these errors are promptly corrected.¹ Plaintiff should thus refer
14 to the Court’s Informational Order (Doc. No. 25) and file an appropriate Opening Brief that
15 conforms to the guidelines within that Order (as well as the above-referenced rules) on or before
16 **February 9, 2015. Plaintiff is advised that failure to file an appropriate Opening Brief will**
17 **result in the dismissal of this action.** All other dates in the Court’s most recent scheduling order
18 (Doc. No. 24) are extended accordingly.

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21 IT IS SO ORDERED.

22 Dated: January 8, 2015

23 /s/ Gary S. Austin
24 UNITED STATES MAGISTRATE JUDGE
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¹ When a document is stricken, it becomes a nullity and is not considered by the Court for any purpose.