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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

9 PERRY WASHINGTON, et al,

10 Plaintiffs,

11 v.

12 FRESNO COUNTY SHERIFF, et al.,

13 Defendants.

Case No. 1:14-cv-00129-AWI-SAB

ORDER STRIKING FIRST AMENDED
COMPLAINT (ECF No. 11)

ORDER DENYING REQUEST NOT TO
STRIKE ORIGINAL COMPLAINT; AND
REQUEST FOR CONTINUANCE

(ECF No. 19, 20)

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16 **I.**

17 **FIRST AMENDED COMPLAINT**

18 On February 25, 2014, Plaintiff Anthonia Washington filed a first amended complaint
19 that did not contain the signature of Perry Washington. (ECF No. 11.) On April 2, 2014, a first
20 amended complaint containing Perry Washington's signature was filed. Based upon the filing of
21 the complaint containing the proper signatures, the first amended complaint, filed February 25,
22 2014 is stricken from the record.

23 **II.**

24 **MOTION FOR CONTINUANCE**

25 Plaintiff Anthonia Washington filed a motion on February 1, 2014, requesting a
26 continuance if she is arrested and placed in jail. Additionally she requests that if she is placed in
27 jail the Court send an investigator to speak with her. In her motion Plaintiff Anthonia
28 Washington alleges that Perry Washington was jailed on trumped up charges and not released

1 until he agreed to drop his suit against the county and states that she “can only assume the same
2 treatment is being planned for [her] next since she is suing Fresno County too.” (ECF No. 20 at
3 1.) Plaintiffs’ motion seeks speculative relief. The Court denies Plaintiffs’ motion for a
4 continuance and to send an investigator to the Fresno County Jail if she gets arrested.

5 Plaintiff Anthonia Washington also requests that the Court allow Perry Washington to
6 pursue this action without filing an application to proceed in forma pauperis and allow them to
7 make periodic payments to the Court. As Plaintiff was previously informed, in order to proceed
8 in this action, Perry Washington must file an application by a prisoner to proceed in forma
9 pauperis or pay the filing fee in full. Plaintiffs’ request is denied.

10 **III.**

11 **MOTION NOT TO STRIKE COMPLAINT**

12 After Plaintiffs’ original complaint had been stricken from the record due to not being
13 signed, Plaintiff filed a complaint which the court screened and dismissed with leave to amend.
14 Plaintiff filed a first amended complaint on February 25, 2014; and on February 28, 2014 refiled
15 the original complaint which had been stricken from the record. The Court issued an order on
16 March 5, 2014, striking the complaint filed February 28, 2014.

17 On March 14, 2014, Plaintiff Anthonia Washington filed a motion not to strike the
18 original signatures from the record. The first amended complaint in this action is pending
19 screening. Plaintiff may not to file another complaint without leave of the Court. Fed. R. Civ. P.
20 15(a)(2). Plaintiffs’ motion to not strike the complaint is denied.

21 Lastly, Plaintiff Anthonia Washington is advised that, although she is proceeding pro se,
22 the legal standards apply to the claims brought in this action and she is still required to comply
23 with the Federal Rules of Civil Procedure. Further filings and motions brought before this court
24 that have no legal basis may result in sanctions, up to and including dismissal of this action.

25 **IV.**

26 **CONCLUSION AND ORDER**

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

- 28 1. Plaintiffs’ first amended complaint, filed February 25, 2014, is STRICKEN

1 FROM THE RECORD;

2 2. Plaintiffs' motion to not strike the complaint, filed March 14, 2014, is DENIED;
3 and

4 3. Plaintiffs' motion for a continuance, an investigator, and to proceed without filing
5 an in forma pauperis application or paying the filing fee is DENIED.

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7 IT IS SO ORDERED.

8 Dated: April 2, 2014


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UNITED STATES MAGISTRATE JUDGE