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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA
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9 PERRY WASHINGTON, et al,

10 Plaintiffs,

11 v.

12 FRESNO COUNTY SHERIFF, et al.,

13 Defendants.
14

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

ORDER STRIKING REQUEST TO
PROCEED AS NONRESPONSIVE

(ECF No. 48)

FOURTEEN DAY DEADLINE

15 On April 8, 2014, this Court screened Plaintiff’s complaint and issued a findings and
16 recommendations finding some cognizable claims and recommending dismissing some claims
17 and parties from this action. (ECF No. 26.) After Plaintiff received multiple extensions of time
18 to file an objection, the District Judge issued an order adopting in part on September 24, 2014.
19 (ECF No. 43.) Plaintiff Perry Washington, a pretrial detainee at the Fresno County Jail, was
20 ordered to either file an amended complaint or notify the Court that he was willing to proceed on
21 the claims found to be cognizable in the order adopting.

22 On October 31, 2014, an order issued denying Plaintiff’s motion for appointment of
23 counsel and informing him that any future filings must contain his signature as part of the
24 document and must be contemporaneously dated. (ECF No. 46.)

25 On December 1, 2014, a request to proceed was filed. (ECF No. 48.) The first four
26 pages are a typewritten document stating that Plaintiff wishes to proceed on the claims found to
27 be cognizable and four pages of further complaints of mistreatment at the Fresno County Jail. At
28 the middle of page 4 the documents states “Signature page attached”. The fifth page is a

1 handwritten document signed by Plaintiff stating that he wishes to proceed with the federal case.

2 As Plaintiff was previously informed, the Court will not accept documents that do not
3 include Plaintiff's signature as part of the document. Further, the document filed is
4 nonresponsive. Plaintiff was ordered to either file an amended complaint or notify the Court that
5 he wishes to proceed on the claims found to be cognizable. However, Plaintiff states that he
6 wishes to proceed with the claims found to be cognizable, but sets forth further allegations of
7 mistreatment. Therefore, the Court shall strike the request to proceed filed December 1, 2014.

8 Plaintiff shall be granted one final opportunity to either file an amended complaint or
9 notify the Court that he is willing to proceed on the claims found to be cognizable in the order
10 adopting. Plaintiff is advised that if he files another nonresponsive or noncompliant pleading,
11 this action will be dismissed for failure to comply with a Court order.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff's request to proceed, filed December 1, 2014, is STRICKEN FROM
14 THE RECORD as nonresponsive;
- 15 2. Within fourteen (14) days, Plaintiff shall either file an amended complaint or
16 inform the Court of his willingness to proceed against the Doe defendant for
17 deliberate indifference and retaliation arising out of a 2014 incident when his
18 requests to be moved due to threats from inmates was denied and he was attacked
19 by the inmates; and
- 20 3. Failure to comply with this order shall result in this action being dismissed for
21 failure to comply with a Court order.

22 IT IS SO ORDERED.

23 Dated: December 3, 2014

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25 _____
26 UNITED STATES MAGISTRATE JUDGE
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