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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ARCHIE CRANFORD,
Plaintiff,
v.
RICARDO PALOS, et al.,
Defendants.

Case No. 1:14-cv-00242-SKO (PC)

ORDER DENYING MOTION FOR
RECONSIDERATION AND SECOND
MOTION FOR PRELIMINARY
INJUNCTION

(Docs. 10 and 11)

ORDER DISMISSING ACTION, WITHOUT
PREJUDICE, FOR FAILURE TO FILE
SIGNED COMPLAINT IN COMPLIANCE
WITH COURT ORDER

(Doc. 4)

I. Motion for Preliminary Injunction and Motion for Reconsideration

Plaintiff Archie Cranford, a civil detainee proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on February 24, 2014. On April 14, 2014, Plaintiff filed a second motion seeking a preliminary injunction, and on April 24, 2014, Plaintiff filed a motion for reconsideration of the order denying his first motion for injunctive relief.

Turning first to Plaintiff's motion for reconsideration, the motion is wholly without merit and it is denied, with prejudice. Plaintiff identifies no legitimate grounds in support of his motion for reconsideration, Fed. R. Civ. P. 60(b); Local Rule 230(j); *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009), and Plaintiff's mere disagreement with the Court's ruling does not entitle him to reconsideration, *U.S. v. Westlands Water Dist.*, 134

1 F.Supp.2d 1111, 1131 (E.D. Cal. 2001); *see also In re Pacific Far East Lines, Inc.*, 889 F.2d 242,
2 250 (9th Cir. 1989) (Rule 60(b)(6) may provide relief where parties were confronted with
3 extraordinary circumstances but it does not provide a second chance for parties who made
4 deliberate choices).

5 With respect to Plaintiff's second motion for a preliminary injunction, the motion suffers
6 from the same deficiencies as the first motion. As Plaintiff was previously placed on notice, "[a]
7 preliminary injunction is an extraordinary remedy never awarded as of right." *Winter v. Natural*
8 *Resources Defense Council, Inc.*, 555 U.S. 7, 24, 129 S.Ct. 365, 376 (2008) (citation omitted). "A
9 plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits,
10 that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of
11 equities tips in his favor, and that an injunction is in the public interest." *Winter*, 555 U.S. at 20
12 (citations omitted). An injunction may only be awarded upon a clear showing that Plaintiff is
13 entitled to relief and he has not made any such showing. *Id.* at 22 (citation omitted).

14 **II. Failure to File Signed Complaint**

15 On February 26, 2014, the Court issued an order striking Plaintiff's unsigned complaint
16 and requiring Plaintiff to file a signed complaint within thirty days. More than thirty days have
17 passed and Plaintiff has not complied with the order. Plaintiff was warned that dismissal would
18 occur if he failed to obey the order.

19 A civil action may not proceed absent the submission of a signed complaint. Fed. R. Civ.
20 P. 3, 11(a); Local Rules 110, 131. Based on Plaintiff's failure to comply with the Court's order,
21 dismissal of this action is appropriate.¹ *In re Phenylpropanolamine (PPA) Products Liability*
22 *Litigation*, 460 F.3d 1217, 1226 (9th Cir. 2006); Local Rule 110.

23
24 ¹ The Court declines to provide an additional opportunity for compliance with the order for the following reasons.
25 There is no actual prejudice to Plaintiff, as the dismissal is without prejudice to filing a new action; Plaintiff is in no
26 danger of running afoul of the two-year statute of limitations for his claims, which arise from events in 2014; and
27 Plaintiff is proceeding in forma pauperis and did not pay the filing fee. 28 U.S.C. § 1915 (in forma pauperis statute);
28 Cal. Civ. Proc. Code § 335.1 (two year statute of limitation for personal injury claims); *Jones v. Blanas*, 393 F.3d 918,
927 (2004) (state's statute of limitation for personal injury claims applies to section 1983 claims). Furthermore, in
light of the fact that Plaintiff has, to date, filed forty-five actions in this district, he is well aware of the requirement
that he sign his filings and in light of the lack of any prejudice to Plaintiff in dismissing the action, there is no
justification for the further expenditure of resources directed at securing compliance with the order, *in this action*.
Plaintiff may open a new case via the submission of a signed complaint and a signed in forma pauperis application, if
he desire to pursue his claims.

1 **II. Order**

2 Based on the foregoing, it is HEREBY ORDERED that:

- 3 1. Plaintiff's motion for reconsideration is DENIED, with prejudice;
- 4 2. Plaintiff's second motion for a preliminary injunction, filed on April 14, 2014, is
- 5 DENIED; and
- 6 3. This action is DISMISSED, without prejudice, for failure to file a signed
- 7 complaint.

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9

10 IT IS SO ORDERED.

11 Dated: April 29, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE