

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10  
11 JEROME LEE CROSS,

12 Plaintiff,

13 v.

14 KINGS COUNTY SHERIFF DEPT., et  
15 al.,

16 Defendants.

**Case No. 1:14-cv-01253-JLT (PC)**

**ORDER STRIKING PLAINTIFF'S  
UNSIGNED SECOND MOTION  
FOR RECONSIDERATION OF  
DISMISSAL**

**(Doc. 12)**

17 Plaintiff, Jerome Lee Cross, is currently in Kings County jail awaiting transfer to state  
18 prison and is currently proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant  
19 to 42 U.S.C. § 1983. Plaintiff filed this action on August 11, 2014. (Doc. 1.) This action was  
20 dismissed without prejudice as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994) on September  
21 8, 2014 and judgment was entered that same date. (Docs. 8, 9.) On September 8, 2014, Plaintiff  
22 filed a motion for reconsideration of the dismissal of this action which was denied on October 10,  
23 2014. (Docs. 10, 11.) On February 17, 2015, Plaintiff filed an unsigned second motion for  
24 reconsideration indicating that his action is no longer barred by *Heck v. Humphrey*, 512 U.S. 477  
25 (1994) which is before the Court. (Doc. 12.)

26 All motions and other paper filed with in a federal court "must be signed by at least one  
27 attorney of record in the attorney's name -- or by a party personally if the party is unrepresented."  
28 Fed. R. Civ. P. 11(a).

Accordingly, it is HEREBY ORDERED that Plaintiff's second motion for reconsideration of the order dismissing this action as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994) is STRICKEN from the record and Plaintiff may re-file his motion within thirty (30) days of the date of service of this order.

IT IS SO ORDERED.

Dated: **April 21, 2015**

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE