

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHARLES W. WINDHAM,)	1:14-cv-01636-DAD-BAM (PC)
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S
)	REQUEST TO ORDER DEFENDANTS TO
v.)	SUBMIT A “VERIFIED” ANSWER TO THE
)	COMPLAINT
M. MARIN, et al.,)	
)	(ECF No. 37)
)	
Defendants.)	
)	

Plaintiff Charles W. Windham (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s Eighth Amendment claims of excessive force against Defendants M. Marin, D. Uribe, W. Rasley, J. Contreras, A. Capano, R. Rubio, and Doe #1, and for deliberate indifference to serious medical needs against Defendants C. Navarro, V. Morales, M. Marin, and S. Shiver.

Currently before the Court is Plaintiff’s request for the Court to order Defendants to submit a verified answer, in which Plaintiff argues that Defendants should be required to submit a verified answer to his complaint. (ECF No. 36). Under Federal Rule of Civil Procedure 11(a), every pleading must be signed by at least one attorney of record in the attorney’s name, but “[u]nless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by affidavit.” Fed. R. Civ. P. 11(a). The answer here is signed by Defendants’ counsel of record, and there is no rule or statute in the circumstances of this case requiring any verified answer.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that Plaintiff's request for the Court to order Defendants to submit a verified answer (ECF No. 37) is DENIED.

IT IS SO ORDERED.

Dated: December 23, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE