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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

WILLIAM BIRDSALL,  
Plaintiff,  
v.  
D. JAMES, et al,  
Defendants.

Case No. 1:14-cv-01738-DAD-BAM (PC)  
**ORDER STRIKING PLAINTIFF’S  
UNSIGNED OPPOSITION TO MOTION TO  
DISMISS**  
(ECF No. 32)  
Plaintiff’s Opposition Due: **December 26, 2017**

Plaintiff William Birdsall (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s second amended complaint against Defendant James for violation of Plaintiff’s due process rights.

On October 2, 2017, Defendant James filed a motion to dismiss Plaintiff’s second amended complaint. (ECF No. 23.) After initially failing to file an opposition, on November 22, 2017, Plaintiff was granted a thirty-day extension of time to file a response to the motion to dismiss. (ECF No. 31.) Plaintiff’s opposition is therefore due on or before December 26, 2017.

On November 29, 2017, Plaintiff filed an opposition to the motion to dismiss. (ECF No. 32.) The Court notes that Plaintiff’s opposition, including the proof of service, is undated and unsigned. Both the Federal Rules of Civil Procedure and this Court’s Local Rules require that all filed pleadings, motions, and papers be signed by at least one attorney of record or by the party

1 personally if the party is unrepresented. Fed. R. Civ. P. 11(a); Local Rule 131(b). Unsigned  
2 filings cannot be considered by the Court and therefore, Plaintiff's filing shall be stricken from  
3 the record. Id.

4 As the extended deadline for Plaintiff's opposition has not yet expired, Plaintiff is granted  
5 until December 26, 2017, to resubmit his opposition with the appropriate signature.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's opposition to Defendant's motion to dismiss (ECF No. 32) is STRICKEN  
8 from the record;
- 9 2. Plaintiff's signed opposition to Defendant's motion to dismiss shall be filed on or  
10 before **December 26, 2017**; and
- 11 3. Defendant's reply shall be due within **seven (7) days** following the date of service of  
12 Plaintiff's signed opposition to the motion to dismiss.

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14 IT IS SO ORDERED.

15 Dated: November 30, 2017

16 /s/ Barbara A. McAuliffe  
17 UNITED STATES MAGISTRATE JUDGE  
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