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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 MUHAYMIN SHABAZZ MUHAMMAD) Case No.: 1:16-CV-00521-AWI-SAB (PC)
12)
13 Plaintiff,) ORDER STRIKING PLAINTIFF’S UNSIGNED
14 v.) RESPONSE TO MOTION FOR SUMMARY
15 WARDEN COPENHAVER, et al.,) JUDGMENT, (ECF No. 19), AND UNSIGNED
16 Defendants.) MOTION FOR EXTENSION OF TIME, (ECF No.
17) 20)
18) ORDER REQUIRING PLAINTIFF TO FILE
19) SIGNED RESPONSE TO MOTION FOR
SUMMARY JUDGMENT
THIRTY (30) DAY DEADLINE

20 Plaintiff Muhaymin Shabazz Muhammad a federal prisoner proceeding pro se and in forma
21 pauperis pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971.). This matter was
22 referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(1)(B) and Local Rule 302.

23 On February 10, 2017, Plaintiff filed an unsigned response to Defendants’ motion for summary
24 judgment. (ECF No. 19.) On February 13, 2017, Plaintiff filed an unsigned motion for an extension of
25 time to file an amended response (ECF No. 20.)

26 On February 16, 2017, the United States filed an objection to Plaintiff’s unsigned response and
27 unsigned motion, requesting that the documents be stricken. The United States also stated some
28 arguments regarding the substance of the response. Finally, the United States noted that if Plaintiff

1 was given additional time to provide a signed response, the moving parties should be given time to file
2 a reply to that response.

3 Plaintiff's response to the motion for summary judgment, and motion for an extension of time,
4 are both procedurally deficient because Plaintiff failed to sign these filings as required by Rule 11(a)
5 of the Federal Rules of Civil Procedure and Local Rule 131(b). Thus, both of these filings shall be
6 stricken from the record.

7 Plaintiff will be permitted thirty (30) days to file a signed opposition or statement of non-
8 opposition to the motion for summary judgment that complies with Federal Rules of Civil Procedure
9 and the Local Rules. Pursuant to Local Rule 230(l), "[t]he moving party may, not more than seven (7)
10 days after the opposition has been filed in CM/ECF, serve and file a reply to the opposition."

11 Accordingly, it is HEREBY ORDERED that:

12 1. Plaintiff's response to Defendants' motion for summary judgment, filed February 19,
13 2017 (ECF No. 19), and motion for extension of time, (ECF No. 20), are stricken from the record for
14 lack of signature; and

15 2. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file an
16 opposition or statement of non-opposition to Defendants' motion for summary judgment.

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18 IT IS SO ORDERED.

19 Dated: **February 16, 2017**


UNITED STATES MAGISTRATE JUDGE