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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAPHNYE S. LUSTER,

Plaintiff,

vs.

RAUL H. AMEZCUA, et al.,

Defendants.

1:16-cv-00554-DAD-GSA-PC

**ORDER STRIKING OBJECTIONS FOR
LACK OF SIGNATURE
(ECF No. 17.)**

**ORDER VACATING FINDINGS AND
RECOMMENDATIONS
(ECF. No. 15.)**

**ORDER FOR PLAINTIFF TO FILE
AMENDED COMPLAINT WITHIN
TWENTY (20) DAYS**

**ORDER FOR CLERK TO SEND
PLAINTIFF A CIVIL COMPLAINT
FORM**

Daphnye S. Luster (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983.

On February 27, 2017, the court issued a screening order dismissing the complaint for failure to state a claim, with leave to amend within thirty days. (ECF No. 14.) The thirty-day time period passed, and Plaintiff did not file an amended complaint.

On April 17, 2017, the court entered findings and recommendations, recommending that this case be dismissed for failure to state a claim. (ECF No. 15.) On May 3, 2017, Plaintiff filed objections to the findings and recommendations. (ECF No. 17.) The objections are not

1 signed by Plaintiff. All filings submitted to the court must bear the signature of the filing party.
2 Local Rule 131; Fed. R. Civ. P. 11(a). Accordingly, the objections shall be stricken.

3 Plaintiff has now indicated interest in litigating this case. Therefore, the court shall
4 vacate the findings and recommendations and allow Plaintiff another opportunity to file the
5 amended complaint, within twenty (20) days.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's objections, filed on May 3, 2017, are STRICKEN from the record for
8 lack of signature;
- 9 2. The Clerk's Office shall send Plaintiff a form § 1983 complaint;
- 10 3. Within twenty (20) days from the date of service of this order, Plaintiff is
11 required to file an amended complaint on the court's form, pursuant to the order
12 issued on February 27, 2017; and
- 13 4. Plaintiff's failure to comply with this order shall result in a recommendation that
14 this case be dismissed.

15 IT IS SO ORDERED.

16 Dated: May 4, 2017

17 /s/ Gary S. Austin
18 UNITED STATES MAGISTRATE JUDGE