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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARY J. BRYANT,
Plaintiff,
v.
SELECT SERVICES PORTFOLIO, et al.,
Defendants.

Case No. 1:16-cv-01642-LJO-SAB
ORDER VACATING FINDINGS AND
RECOMMENDATIONS AND STRIKING
FIRST AMENDED COMPLAINT FOR
LACK OF SIGNATURE
(ECF Nos. 4, 6)

I.

PROCEDURAL HISTORY

Plaintiff Mary Bryant, proceeding pro se, filed this action on October 31, 2016. (ECF No. 1.) Along with her complaint, Plaintiff filed an application to proceed in this action without prepayment of fees. (ECF No. 2.) On November 3, 2016, an order issued requiring Plaintiff to either file a long form application to proceed without prepayment of fees or pay the filing fee within twenty days. (ECF No. 3.) Plaintiff did not timely comply with the November 3 order; and on December 7, 2016, the undersigned issued findings and recommendations recommending dismissing this action for failure to pay the filing fee or file an application to proceed without prepayment of fees. (ECF No. 4.) On December 19, 2016, Plaintiff filed a long form application to proceed without prepayment of fees and an unsigned first amended complaint.

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1 While the Court will address Plaintiff's request to proceed without prepayment of fees in
2 a subsequently filed findings and recommendations, the Court shall vacate the findings and
3 recommendations and address Plaintiff's unsigned complaint herein.

4 **II.**

5 **DISCUSSION**

6 **A. First Amended Complaint**

7 Plaintiff did not sign her first amended complaint. The Federal Rules require that every
8 pleading must be signed by at least one attorney of record or by the party personally if the party
9 is unrepresented. Fedl. R. Civ. P. 11(a); see also Local Rule 131(b) (in relevant part, all
10 pleadings must be signed by the party involved if that party is appearing in propria persona).
11 The Court must strike any unsigned paper unless the omission is promptly corrected. Fed. R.
12 Civ. P. 11(a). Unsigned documents cannot be considered by the Court, and Plaintiff's complaint
13 shall be stricken from the record on that ground. Fed. R. Civ. P. 11(a); Local Rule 131(b).

14 **B. Findings and Recommendations**

15 Since Plaintiff has now filed a motion to proceed without prepayment of fees, the Court
16 will vacate the findings and recommendations recommending dismissing this action.

17 However, Plaintiff is advised that the deadlines established by orders issued in this Court
18 are not mere suggestions. Although Plaintiff is proceeding pro per in this action, she is still
19 required to familiarize herself and comply with the Federal Rules and Local Rules that govern
20 this action. Any similar failures to comply will not be looked upon favorably by the Court and
21 may subject Plaintiff to sanctions up to and including dismissal of the action. Finally, if Plaintiff
22 needs additional time to comply with a court order, she must seek an extension of time prior to
23 the time period expiring and demonstrate good cause for the request. See Local Rule 144.

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1 **III.**

2 **CONCLUSION AND ORDER**

3 Based on the foregoing, IT IS HEREBY ORDERED that:

4 1. Plaintiff's unsigned first amended complaint, filed December 19, 2016, is
5 STRICKEN FROM THE RECORD; and

6 2. The findings and recommendations filed on December 7, 2016, is VACATED.

7
8 IT IS SO ORDERED.

9 Dated: December 20, 2016


UNITED STATES MAGISTRATE JUDGE