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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIKA ALLEN,

Plaintiff,

v.

NANCY BERRYHILL, Acting
Commissioner of Social Security

Defendant.

Case No. 1:17 -cv-00702 GSA

**ORDER STRIKING UNSIGNED FIRST
AMENDED COMPLAINT**

(Doc. 7)

Plaintiff, Erika Allen is proceeding *pro se* and *in forma pauperis* in this civil case contesting a denial of her disability benefits. (Doc. 1). On July 6, 2017, the Court issued an order dismissing Plaintiff’s complaint and requiring that Plaintiff file an amended complaint. (Doc. 6). Plaintiff was advised that if she continued to represent herself that only she could sign the pleading, and that the pleading needed be signed under penalty of perjury. (Doc. 6, pg. 7; ln 8-9). Plaintiff filed a First Amended Complaint (Doc. 7), however it does not contain any signature. The Court cannot consider unsigned pleadings and therefore the First Amended Complaint will be stricken from the record. Fed. R. Civ. P. 11(a); Local Rule 131(b).

Plaintiff is advised that the First Amended Complaint (Doc. 7) sufficiently addressed the Court’s concerns that were outlined in the order dismissing the complaint, *but for* the lack of a signature signed under penalty of perjury.¹ Therefore, the Court will give Plaintiff one *final*

¹ The Court’s order advised Plaintiff that she needed to state a claim and establish that jurisdiction is proper. The First Amended Complaint addressed those issues.

1 opportunity to submit a First Amended Complaint which must be filed **no later than August 31,**
2 **2017.** Plaintiff is advised that the First Amended Complaint (with exhibits) as currently written
3 will be accepted by the Court as long as it is signed by Plaintiff under penalty of perjury. As a
4 general rule, an amended complaint supersedes any earlier complaints. *Lacey v. Maricopa Cnty.*,
5 693 F.3d 896 (9th Cir. 2012) (noting that there may be limited exceptions to this rule on appeal).
6 In other words, the First Amended Complaint must be “complete in itself without reference to the
7 prior or superseded pleading.” Local Rule 220.

8 **Order**

9 The Clerk of the Court shall STRIKE Plaintiff’s First Amended Complaint filed on July
10 31, 2017 (Doc. 7). Thereafter, the Court of the Clerk shall send a copy of this order, along with a
11 copy of the Plaintiff’s First Amended Complaint with the CM/ECF file stamp information deleted
12 from the heading of each page, to Plaintiff at the address listed on the docket. Plaintiff may refile
13 the existing First Amended Complaint signed under penalty of perjury to satisfy the requirements
14 of this order.

15 *Plaintiff advised that failure to file a First Amended Complaint by August 31, 2017 in*
16 *compliance with the instructions outlined above will result in dismissal of this action.*

17 IT IS SO ORDERED.

18
19 Dated: August 6, 2017

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE