

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GERALD STEWART,
Plaintiff,
v.
ADAM CHRISTIANSON, et al.,
Defendants.

Case No. 1:17-cv-00936-BAM (PC)
**ORDER STRIKING UNSIGNED COMPLAINT
AND REQUIRING PLAINTIFF TO FILE A
SIGNED COMPLAINT WITHIN THIRTY DAYS**
(ECF No. 1)
THIRTY (30) DAY DEADLINE

Plaintiff Gerald Stewart (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on July 7, 2017, (ECF No. 1), and has consented to magistrate judge jurisdiction. (ECF No. 7.)

The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity and/or against an officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In preparing to screen the complaint, the Court notes Plaintiff’s complaint lacks any signature. 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 personally if the party is unrepresented. Fed. R. Civ. P. 11(a); Local Rule 131(b). Since Plaintiff’s complaint is unsigned, the Court must strike it from the record. Plaintiff will be permitted thirty (30) days to file a signed complaint that complies with Federal Rules of Civil

1 Procedure and the Local Rules.

2 Based on the foregoing, it is HEREBY ORDERED that:

3 1. Plaintiff's complaint, filed July 7, 2017, (ECF No. 1), is STRICKEN from the
4 record for lack of signature;

5 2. The Clerk's Office SHALL send to Plaintiff a civil rights complaint form;

6 3. Within **thirty (30) days** from the date of service of this order, Plaintiff SHALL file
7 a complaint or a notice of voluntary dismissal; and

8 4. **If Plaintiff fails to file a complaint in compliance with this order, the Court**
9 **will dismiss this action, with prejudice, for failure to state a claim, failure to prosecute, and**
10 **failure to obey a court order.**

11 IT IS SO ORDERED.
12

13 Dated: August 22, 2017

/s/ Barbara A. McAuliffe
14 UNITED STATES MAGISTRATE JUDGE

15
16
17
18
19
20
21
22
23
24
25
26
27
28