

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

RYAN P. MADDEN,
Plaintiff,
v.
HICKS, et al.,
Defendants.

Case No. 1:18-cv-00255-DAD-BAM (PC)
ORDER STRIKING UNSIGNED FILINGS
(ECF Nos. 8, 9)
ORDER DIRECTING CLERK OF COURT TO
SERVE THIRD ORDER RE CONSENT OR
REQUEST FOR REASSIGNMENT ON
PLAINTIFF
FOURTEEN (14) DAY DEADLINE

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

On February 23, 2018, the Court ordered Plaintiff to either consent to or decline Magistrate Judge jurisdiction. (ECF No. 3.) On April 9, 2018, the Court issued a second order requiring Plaintiff to either consent to or decline Magistrate Judge jurisdiction within thirty (30) days. (ECF No. 5.) Plaintiff failed to consent to or decline Magistrate Judge jurisdiction within the relevant time periods. Thus, on May 22, 2018, the Court issued findings and recommendations to dismiss this action, without prejudice, for failure to obey court orders and failure to prosecute. (ECF No. 7.) Those findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (Id. at 3.)

///

1 On June 7, 2018, Plaintiff filed his consent to jurisdiction of a United States Magistrate
2 Judge, (ECF No. 8), and his objections to the pending findings and recommendations, (ECF No.
3 9). In his objections, Plaintiff notes that he is under the care of California State Prison Mental
4 Health Delivery System at the Enhanced Out Patient Level of Care and suffers from severe
5 depression, anxiety, PTSD, and addiction to poly substances. Plaintiff asks for a second chance,
6 and states that he has located and signed the consent form. (Id.)

7 The Court notes that although Plaintiff's name is printed on the consent form, there is no
8 signature. (ECF No. 8.) Furthermore, Plaintiff's objections and the attached proof of service are
9 also unsigned. Unsigned filings cannot be considered by the Court, and therefore Plaintiff's
10 filings will be stricken. Fed. R. Civ. P. 11(a); Local Rule 131. However, in light of Plaintiff's
11 *pro se* status, the Court will allow Plaintiff an extension of time to resubmit his objections and his
12 response consenting to or declining Magistrate Judge jurisdiction.

13 Accordingly, within **fourteen (14) days** from the date of service of this order, Plaintiff is
14 HEREBY ORDERED to resubmit his objections to the Court's findings and recommendations
15 and his response consenting to or declining Magistrate Judge jurisdiction, **with the appropriate**
16 **signatures**. Plaintiff's failure to comply with this order will result in the submission of the
17 Court's pending findings and recommendations recommending dismissal of this action to the
18 assigned District Judge.

19
20 IT IS SO ORDERED.

21 Dated: June 10, 2018

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
24
25
26
27
28