

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GEOVANNI PENA,  
Plaintiff,  
v.  
UNITED STATES, et al.,  
Defendants.

1:21-cv-00833-GSA-PC

**ORDER DENYING PLAINTIFF'S  
REQUEST FOR THE COURT TO  
SUPPLEMENT PAGE 6 OF HIS  
COMPLAINT WITH HIS SIGNATURE  
(ECF No. 3.)**

**ORDER STRIKING COMPLAINT FOR  
LACK OF SIGNATURE, WITH LEAVE  
TO FILE AN AMENDED COMPLAINT  
BEARING PLAINTIFF'S SIGNATURE**

**THIRTY-DAY DEADLINE TO FILE  
FIRST AMENDED COMPLAINT**

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

## I. BACKGROUND

Geovanni Pena (“Plaintiff”) is a state prisoner proceeding *pro se* with this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971). On May 24, 2021, Plaintiff filed the Complaint commencing this action. (ECF No. 1.) The Complaint lacks Plaintiff’s signature. (*Id.*) On June 1, 2021, Plaintiff filed a request for the court to supplement page 6 of the Complaint with his signature. (ECF No. 3.)

1           **II. MOTION TO AMEND – FED. R. CIV. P. 15(a)**

2           Plaintiff may not add his signature to the Complaint in this manner. Under Rule 220,  
3 Plaintiff may not amend the Complaint by adding information or exhibits submitted separately  
4 from the Complaint.<sup>1</sup> To add information or make a correction to the Complaint, Plaintiff must  
5 file an amended complaint which is complete in itself, without reference to prior complaints. To  
6 add his signature, Plaintiff must file a First Amended Complaint, complete in itself, with the  
7 signature affixed. All filings submitted to the court must bear the signature of the filing party.  
8 Local Rule 131; Fed. R. Civ. P. 11(a).

9           **III. CONCLUSION**

10           Accordingly, IT IS HEREBY ORDERED that:

- 11           1. Plaintiff's request for the court to supplement page 6 of his Complaint with his  
12           original signature is DENIED;
- 13           2. The Complaint is STRICKEN from the record for lack of signature, with leave to  
14           file a First Amended Complaint;<sup>2</sup>
- 15           3. Within thirty days from the date of service of this order, Plaintiff may file a First  
16           Amended Complaint bearing his signature;
- 17           4. The First Amended Complaint should be clearly and boldly titled "First Amended  
18           Complaint," refer to case number 1:21-cv-00833-GSA-PC, and be signed under  
19           penalty of perjury;
- 20           5. The Clerk of Court shall send one Bivens civil rights complaint form to Plaintiff.  
21           and

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22           23           <sup>1</sup> Local Rule 220 provides, in part:

24           25           26           Unless prior approval to the contrary is obtained from the Court, every pleading  
27           28           to which an amendment or supplement is permitted as a matter of right or has been  
allowed by court order shall be retyped and filed so that it is complete in itself without  
reference to the prior or superseded pleading. No pleading shall be deemed amended or  
supplemented until this Rule has been complied with. All changed pleadings shall contain  
copies of all exhibits referred to in the changed pleading.

2           <sup>2</sup> A document which is "stricken" will not be considered by the Court for any purpose.  
(Informational Order, ECF No. 2 at 2:7-8.)

6. Plaintiff's failure to comply with this order shall result in a recommendation that this case be dismissed.

IT IS SO ORDERED.

Dated: June 3, 2021

/s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE