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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARK K. BOWERS,

Plaintiff,

v.

CITY OF PORTERVILLE, et al.,

Defendants.

Case No. 1:23-cv-01483-KES-SAB

ORDER STRIKING ANSWERS TO
PLAINTIFF’S COMPLAINT

(ECF Nos. 5, 8, 9, 10, 11)

Plaintiff is proceeding *pro se* and *in forma pauperis* in this action. In the Court’s order on November 7, 2023 granting Plaintiff’s application to proceed *in forma pauperis*, the Court ordered that “[s]ervice shall not be undertaken until the Court screens the complaint in due course and issues its screening order.” (ECF No. 5 at 2.)

On May 9, 2024, the Court screened the complaint finding Plaintiff’s complaint did not comply with Rule 8 and failed to state a cognizable claim. (ECF No. 12.) The Court has afforded Plaintiff the opportunity to amend his complaint to cure the deficiencies.

However, prior to the screening order, the Court received two documents entitled “answer to summons in civil action complaint” from individuals who Plaintiff named as defendants in his complaint, Jesus Luna and Ariana Luna,. (ECF Nos. 8, 9.) No summonses have been issued in this action directing any defendant to appear. See Fed. Rule. Civ. P. 4(a)(1) (a summons must, inter alia, be signed by the Clerk, bear the Court’s seal, and state the time

1 within which the defendant must appear and defend).

2 It appears Plaintiff served his complaint prior to the Court’s screening order and without
3 summonses issued by the Clerk. Pursuant to this Court’s order, service was not to be undertaken
4 until this Court issued a screening order and authorized service. (ECF No. 5.) No summons has
5 been issued by the Clerk and no defendant has been ordered to appear in this action. The Court
6 shall therefore strike the documents entitled “answer to summons in civil action complaint”
7 (ECF Nos. 8, 9).

8 Plaintiff is reminded he must be familiar with the federal rules of procedure and comply
9 with Court orders when litigating his action.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The answer by Jesus Luna III to Plaintiff’s complaint prior to the screening order
12 (ECF No. 8) is STRICKEN from the record; and
- 13 2. The answer by Ariana Luna to Plaintiff’s complaint prior to the screening order
14 (ECF No. 9) is STRICKEN from the record.

15 IT IS SO ORDERED.

16 Dated: May 10, 2024

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19 UNITED STATES MAGISTRATE JUDGE
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