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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANNY JAMES COHEA,

Plaintiff,

No. 2:00-cv-2799 GEB EFB P

vs.

CHERYL K. PLILER, WARDEN, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. The remaining defendants in this case, i.e, Adams, Akin, Baughman, Colvin, Gold, McCargar, Micheels, Rendon, Scarsella, and Yamamoto move for summary judgment under Fed. R. Civ. P. 56. Dckt. No. 213. Defendants also ask the court to find that plaintiff is a vexatious litigant and require that he post security. Dckt. No. 217. It is apparent from plaintiff’s opposition, which he has titled “Affidavit,” that he believes that his assertions therein, as well as those in his second and third amended complaints (Docket Nos. 26 & 122), constitute evidence. Dckt. No. 208 at 1, footnote. However, none of those documents is verified; that is, none contain language asserting that the declaration or statement by plaintiff is made from personal knowledge and under penalty of perjury. Instead they are simply signed, “Respectfully submitted.”

1 Under Federal Rule of Evidence 603, an oath or affirmation must be provided for
2 plaintiff's submissions to be admissible. While this defect is significant, it is curable.
3 Accordingly, within 21 days of the date of this order, plaintiff shall submit a verification, signed
4 under penalty of perjury, attesting that the pleadings or other filings upon which he relies in
5 opposing defendants' motions are based on personal knowledge. If plaintiff fails to submit a
6 verification, he will face possible summary adjudication of any claim for which evidence
7 contained solely within those pleadings and/or filings is needed to raise a triable issue of material
8 fact.

9 Dated: December 3, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE