

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

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

SAMUEL H. TUCKER,

Plaintiff,

No. CIV S-09-0087 GGH P

vs.

D. CALVIN,

Defendant.

ORDER

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is defendant’s September 9, 2009, motion to strike. For the following reasons, this motion is granted.

On July 25, 2009, defendants filed a motion to dismiss. On September 2, 2009, inmate Hakeem Akbar filed an opposition to the motion on plaintiff’s behalf. This motion is not signed by plaintiff.

As noted by defendants in the motion to strike, Fed. R. Civ. P. 11 requires that every pleading must be signed by an attorney of record or by a party if the party is unrepresented. The opposition filed September 2, 2009, does not comply with Rule 11 because it is not signed by plaintiff. Because inmate Akbar is not a lawyer, he may not file pleadings on plaintiff’s behalf.

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

Accordingly, IT IS HEREBY ORDERED that:

1. Defendants' September 9, 2009, motion to strike (no. 14) is granted;
2. Plaintiff is granted twenty days from the date of this order to file an opposition to the motion to dismiss.

DATED: September 15, 2009

/s/ Gregory G. Hollows

---

UNITED STATES MAGISTRATE JUDGE

tuck87.stri