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

VINCENT E. COFIELD,

Plaintiff,

No. 2:12-cv-3060 KJM EFB P

vs.

UNKNOWN,

Defendant.

ORDER

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Plaintiff is a state prisoner proceeding pro se with this civil rights action under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

On April 9, 2013, the court recommended that this action be dismissed for failure to prosecute after plaintiff failed to file an amended complaint. On April 24, 2013, however, plaintiff filed an amended complaint. Therefore, the court will vacate the April 9, 2013 findings and recommendations.

Plaintiff’s amended complaint, however, will not be considered by the court because plaintiff has not signed it. *See* Dckt. No. 14. Rule 11 of the Federal Rules of Civil Procedure requires that “[e]very pleading, written motion, and other paper . . . be signed by at least one attorney of record in the attorney’s name—or by a party personally if the party is unrepresented.”

1 Fed. R. Civ. P. 11(a). Additionally, plaintiff is reminded that a complaint must also contain a  
2 caption including the names of *all* defendants. Fed. R. Civ. P. 10(a).

3 In addition to filing an unsigned amended complaint, plaintiff has also filed a motion for  
4 defendants to “show cause.” Plaintiff’s request is premature because there is no operative  
5 pleading in this action and there are no defendants against whom this court could enter an order  
6 or even direct service. If plaintiff properly files an amended complaint that states a cognizable  
7 claim, the court will order the United States Marshal to serve the amended complaint upon the  
8 named defendant(s).

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. The April 9, 2013 findings and recommendations (Dckt. No. 13) are vacated.

11 2. Within 30 days, plaintiff shall file an amended complaint in accordance with the  
12 court’s orders. The amended complaint must bear the docket number assigned to this case and  
13 be titled “First Amended Complaint.” Failure to comply with this order may result in a  
14 recommendation that this action be dismissed.

15 3. Plaintiff’s request for an order directing defendants to show cause (Dckt. No. 15) is  
16 denied.

17 Dated: June 24, 2013.

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19 EDMUND F. BRENNAN  
20 UNITED STATES MAGISTRATE JUDGE  
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