

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALVIN JACKSON,

No. 2:14-cv-2456-EBF P

Plaintiff,

ORDER

JEFFREY A. BEARD, et al.,

Defendants.

Calvin Jackson is a state prisoner proceeding without counsel. He has filed an unsigned complaint purporting to bring an action brought under 42 U.S.C. § 1983. He has not properly commenced a civil action.

20 A complaint is necessary for the commencement of a civil action. Fed. R. Civ. P. 3. Rule
21 11 of the Federal Rules of Civil Procedure requires that “[e]very pleading, written motion, and
22 other paper . . . be signed by at least one attorney of record in the attorney’s name—or by a party
23 personally if the party is unrepresented.” Fed. R. Civ. P. 11(a). Because Mr. Jackson did not
24 sign the complaint, it will be disregarded. Within thirty days, Mr. Jackson shall file a signed
25 complaint. That complaint must identify all defendants in both the caption and the body, and
26 clearly set forth the allegations against each individual defendant. Pursuant to Rule 8 of the
27 Federal Rules of Civil Procedure, any complaint must include “a short and plain statement of the
28 claim” showing entitlement to relief. Fed. R. Civ. P. 8(a)(2).

1 In addition, a plaintiff must pay the \$400 filing fee required by 28 U.S.C. § 1914(a) or
2 request leave to proceed in forma pauperis and submit the affidavit and trust account statement
3 required by 28 U.S.C. § 1915(a). Section 1915(a)(2) requires “a prisoner seeking to bring a civil
4 action without prepayment of fees or security therefor, in addition to filing the affidavit filed
5 under paragraph (1), shall submit a certified copy of the trust fund account statement (or
6 institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing
7 of the complaint . . . , obtained from the appropriate official of each prison at which the prisoner
8 is or was confined.” To proceed with a civil action, Mr. Jackson must either pay the filing fee or
9 comply with the requirements set forth in the in forma pauperis statute.

10 Until Mr. Jackson submits a complaint and either pays the filing fee or meets the
11 requirements of 28 U.S.C. § 1915(a), there simply is no case before the court.

12 Accordingly, it hereby is ORDERED that:

13 1. The Clerk of the Court shall send to Mr. Jackson the form complaint and application
14 for leave to proceed in forma pauperis used in this court.

15 2. Within 30 days of the date of this order, Mr. Jackson shall either pay the \$400 filing fee
16 or submit a complete application for leave to proceed in forma pauperis; and

17 3. Within 30 days of the date of this order, Mr. Jackson shall submit a complaint stating
18 the nature of the action and his belief that he is entitled to redress. Failure to comply with this
19 order may result in the case being closed.

20 DATED: November 7, 2014.



21 EDMUND F. BRENNAN
22 UNITED STATES MAGISTRATE JUDGE

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