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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 SONNY BARGER, II,

No. 2:17-cv-0693-EFB P

12 Petitioner,

13 v.

ORDER

14 SACRAMENTO COUNTY SUPERIOR
15 COURTS,

16 Respondent.

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18 Petitioner proceeds without counsel and seeks a writ of habeas corpus pursuant to 28
19 U.S.C. § 2254.¹ The court, however, cannot conduct the required review of the petition because
20 petitioner has not signed it. *See* ECF No. 1. Rule 11 of the Federal Rules of Civil Procedure
21 requires that “[e]very pleading, written motion, and other paper . . . be signed by at least one
22 attorney of record in the attorney’s name—or by a party personally if the party is unrepresented.”
23 Fed. R. Civ. P. 11(a). Because petitioner is not represented by counsel and did not sign the
24 petition himself, it will be disregarded.

25 To commence a civil action, a party must file a complaint or a petition. Fed. R. Civ. P. 3;
26 Rule 3, Rules Governing § 2254 Cases; *Woodford v. Garceau*, 538 U.S. 202, 203 (2003). Until
27 petitioner files a signed petition, there is simply no case before the court.

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¹ He also seeks leave to proceed in forma pauperis. ECF No. 3.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Clerk of the Court shall strike the petition (ECF No. 1) from the docket.
- 3 2. Within thirty days, petitioner shall file a signed petition using the form employed by
- 4 this court and stating all claims and prayers for relief.
- 5 3. Petitioner is cautioned that failure to file a signed petition pursuant to this order may
- 6 result in the dismissal of this action.
- 7 4. The Clerk is directed to send petitioner the court's form for application for writ of
- 8 habeas corpus.

9 DATED: April 6, 2017.

10 
EDMUND F. BRENNAN
11 UNITED STATES MAGISTRATE JUDGE

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