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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND KYLE,
Plaintiff,
v.
SHERIFF SCOTT JONES,
Defendant.

No. 2:18-cv-2143-EFB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a former county jail inmate proceeding without counsel in an action brought 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 August 8, 2018, plaintiff was informed that the court could not conduct the screening of plaintiff’s complaint as required by 28 U.S.C. § 1915A because the complaint was unsigned. The court further informed plaintiff that 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” and disregarded the amended complaint. ECF No. 4. That order granted plaintiff thirty days in which file a signed complaint and warned plaintiff that failure to comply would result in a recommendation that this action be dismissed.

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1 The time for acting has passed and plaintiff has not filed a signed complaint, or otherwise
2 responded to the court's order.

3 A party's failure to comply with any order or with the Local Rules "may be grounds for
4 imposition by the Court of any and all sanctions authorized by statute or Rule or within the
5 inherent power of the Court." E.D. Cal. Local Rule 110. The court may dismiss an action with or
6 without prejudice, as appropriate, if a party disobeys an order or the Local Rules. *See Ferdik v.*
7 *Bonzelet*, 963 F.2d 1258, 1263 (9th Cir. 1992) (district court did not abuse discretion in
8 dismissing pro se plaintiff's complaint for failing to obey an order to re-file an amended
9 complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439,
10 1440-41 (9th Cir. 1988) (dismissal for pro se plaintiff's failure to comply with local rule
11 regarding notice of change of address affirmed).

12 Accordingly, it is hereby ORDERED that the Clerk is directed to randomly assign a
13 United States District Judge to this case.

14 Further, it is RECOMMENDED that this action be DISMISSED without prejudice. Fed.
15 R. Civ. P. 41(b); E. D. Cal. Local Rule 110.

16 These findings and recommendations are submitted to the United States District Judge
17 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
18 after being served with these findings and recommendations, any party may file written
19 objections with the court and serve a copy on all parties. Such a document should be captioned
20 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
21 objections shall be served and filed within fourteen days after service of the objections. The
22 parties are advised that failure to file objections within the specified time may waive the right to
23 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
24 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

25 Dated: September 26, 2018.

26 
27 EDMUND F. BRENNAN
28 UNITED STATES MAGISTRATE JUDGE