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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH LEON MCDANIEL,  
Plaintiff,  
v.  
JOE LIZARRAGA, et al.,  
Defendants.

No. 2:19-cv-1136 JAM KJN P

ORDER

Plaintiff is a state prisoner, proceeding through counsel. On September 8, 2020, plaintiff personally filed, pro se, a motion for stay and abeyance. Although the motion bears counsel’s identifying information on the first page of the motion, the motion is not signed by counsel, but rather by plaintiff himself. (ECF No. 47.) Moreover, the document was not filed through the CM/ECF filing system such that the court could presume counsel had electronically signed the filing. E.D. L.R. 131(c). Rather, plaintiff appended a proof of service confirming he mailed the filing from Mule Creek State Prison. (ECF No. 44 at 5.)

Plaintiff is represented by counsel. Accordingly, any court filing must be signed by plaintiff’s attorney of record. Fed. R. Civ. P. 11(a), E.D. L.R. 131(b). There are no exceptions to such rules. Therefore, plaintiff’s motion (ECF No. 47) is stricken from the court record.

Subsequently, counsel for plaintiff filed a motion for extension of time, which the court will address by separate order. Plaintiff is cautioned that so long as he is represented by counsel,

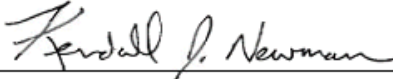
1 plaintiff may not personally file documents in this action. Only plaintiff's counsel of record may  
2 file documents in this action. In other words, plaintiff should refrain from filing pro se  
3 documents in this action so long as he is represented by counsel.

4 Finally, plaintiff is cautioned that his continued failure to abide by the court's orders, the  
5 Federal Rules of Civil Procedure, or the Local Rules of Court, may result in the imposition of  
6 sanctions including, but not limited to, dismissal of the action. See Fed. R. Civ. P. 41(b).

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's pro se motion for stay (ECF No. 47) is stricken;
- 9 2. The Clerk of the Court is directed to strike plaintiff's motion (ECF No. 47); and
- 10 3. The Clerk of the Court shall serve a courtesy copy of this order on Joseph Leon  
11 McDaniel, CDCR #H18541, Mule Creek State Prison, P.O. Box 409060, Ione, CA 95640.

12 Dated: September 14, 2020

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15 KENDALL J. NEWMAN  
16 UNITED STATES MAGISTRATE JUDGE

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