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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ABSOLOM CRISTOBAL,
Plaintiff,

vs.

SECURITAS SECURITY SYSTEMS USA
INC.,
Defendant.

Case No: C 11-3114 SBA

ORDER

Pro se plaintiff Absolom Cristobal filed the instant action against his former employer, Securitas Security Systems USA Inc., in state court on May 24, 2011. On June 23, 2011, Defendant filed an answer in state court and removed the action under Section 301 of the Labor Management Relations Act.


On or about September 29, 2011, Plaintiff lodged an Amended Complaint with the Court. The time for Plaintiff to amend as a matter of right has passed. See Fed. R. Civ. P. 15(a) (plaintiff may amend twenty-one days after serving the complaint or within twenty-one days of service of a responsive pleading or Rule 12 motion, whichever is earlier). As such, Plaintiff may amend the Complaint “only with the opposing party’s written consent or the court’s leave.” Id. 15(b). Here, Plaintiff did not accompany his proposed pleading with a stipulation to file an Amended Complaint. Although the last page of the proposed pleading includes a one-sentence request for permission to file the complaint, Plaintiff should instead have filed a motion for leave to amend in accordance with Federal Rule of Civil Procedure 15(a)(2) and Civil Local Rule 7.

1 Plaintiff should be aware that although he is acting pro se (i.e., without an attorney)
2 he nevertheless remains obligated to follow the same rules as represented parties. See
3 Ghazali v. Moran, 46 F.3d 52, 54 (9th Cir. 1995) (“Although we construe pleadings
4 liberally in their favor, pro se litigants are bound by the rules of procedure.”) (per curiam);
5 King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987) (same). Self-representation is not an
6 excuse for non-compliance with Court rules. See Swimmer v. I.R.S., 811 F.2d 1343, 1344
7 (9th Cir. 1987) (“[i]gnorance of court rules does not constitute excusable neglect, even if
8 the litigant appears pro se.”) (citation omitted). Plaintiff’s failure to comply with any
9 procedural requirements, including any Court order, may result in the imposition of
10 sanctions up to and including dismissal of the action. See Ferdik v. Bonzelet, 963 F.2d
11 1258, 1260 (9th Cir. 1992). Accordingly,

12 IT IS HEREBY ORDERED THAT Plaintiff’s request to file an Amended Complaint
13 is DENIED without prejudice. If Plaintiff intends to file an Amended Complaint, he must
14 first meet and confer with Defendant’s counsel in an effort to reach a stipulation (i.e., an
15 agreement) to allow him to file an Amended Complaint with the Court. If Plaintiff is
16 unable to reach such an agreement, he may file a motion for leave to amend in accordance
17 with Federal Rule of Civil Procedure 15. Such a motion should be filed in accordance with
18 the Court’s Standing Orders and the Court’s Local Rules (including but not limited to Rule
19 7), both of which are available on the Court’s website, www.uscourts.cand.gov. The Clerk
20 shall return the proposed Amended Complaint to Plaintiff.

21 IT IS SO ORDERED.

22 Dated: October 12, 2011

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24 SAUNDRA BROWN ARMSTRONG
25 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ABSALOM CRISTOBAL,

Plaintiff,

v.

SECURITAS SECURITY SERVICES et al,

Defendant.

Case Number: CV11-03114 SBA

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 13, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Absalom Cristobal
1017 L Street,
#750
Sacramento, CA 95814

Dated: October 13, 2011

Richard W. Wieking, Clerk

By: LISA R CLARK, Deputy Clerk