

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

HILARY E. MAINS,

Plaintiff,

v.

Case No: 2:13-cv-274-Ftm-29SPC

FLORIDA DEPARTMENT OF
CHILDREN & FAMILIES, HIGHLANDS
COUNTY, STATE OF FLORIDA CHILD
SUPPORT ENFORCEMENT, LEE
COUNTY, STATE OF FLORIDA and
STATE OF TENNESSEE,

Defendants.

_____ /

ORDER

This matter comes before the Court on the Plaintiff Hilary Mains' Motion to Attach Verified Statement (Doc. #9) filed on May 7, 2013. The Plaintiff moves the Court to attach his signature to his Amended Complaint (Doc. # 7) which he filed on April 30, 2013. The Amended Complaint was not signed by the Plaintiff when it was filed. Pursuant to Fed. R. Civ. P. 11(a), documents filed with the Court must be signed by the party's attorney or by the party if the party is proceeding *pro se*. The Rule reads in pertinent part:

Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name-or by a party personally if the party is unrepresented. The paper must state the signer's address, e-mail address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.

Fed. R. Civ. P. 11(a). Thus, according to the Rule, the Amended Complaint must be stricken at this time and the Plaintiff granted leave to re-file the Amended Complaint with his signature attached to the document.

The Court has also issued a Report and Recommendation regarding the Amended Complaint. Because the Amended Complaint is deficient and must be stricken, the Court's R & R will be vacated.

Accordingly, it is now

ORDERED:

The Plaintiff Hilary Mains' Motion to Attach Verified Statement (Doc. #9) is **DENIED**.

- The Plaintiff's Amended Complaint (Doc. # 7) is hereby **STRICKEN** from the record.
- The Plaintiff has up to and including **May 24, 2013**, to re-file his Amended Complaint in compliance with the Federal Rules of Civil Procedure.
- The Court's Report and Recommendation (Doc. # 8) issued on May 6, 2013, is hereby **VACATED**.

DONE and **ORDERED** in Fort Myers, Florida this 10th day of May, 2013.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record