

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

|                           |   |                  |
|---------------------------|---|------------------|
| RANDALL E. BURNS, et al., | ) |                  |
|                           | ) |                  |
| Plaintiffs,               | ) |                  |
|                           | ) |                  |
| v.                        | ) | No. 2:13CV88 CDP |
|                           | ) |                  |
| TRACY CARLSON, et al.,    | ) |                  |
|                           | ) |                  |
| Defendants.               | ) |                  |

**MEMORANDUM AND ORDER**

This matter is before me on plaintiffs' amended complaint. In their original complaint, plaintiffs Randall and Amanda Burns named the Estate of Nicole Burns as a plaintiff. Because the Estate was not represented by counsel, I ordered plaintiffs to submit an affidavit stating the name and the administrator of the complaint so that I could determine whether the Estate could be represented by a pro se party. In the amended complaint, plaintiffs have not included the Estate as a party. Therefore, this case may proceed as a pro se action.

I also ordered plaintiffs to submit a complaint that was signed by both plaintiffs. Plaintiffs' amended complaint is signed only by Randall Burns. Plaintiffs have submitted a separate document containing only a signature page, which is signed by both plaintiffs. This is insufficient, however. Rule 11 of the Federal Rules of Civil Procedure requires that the complaint itself contain each plaintiff's signature.

I will allow plaintiffs another chance to submit an amended complaint. The amended complaint must contain all of plaintiffs' claims and must be signed by both parties.

Plaintiffs seek an additional thirty days to "have sufficient time to comply with the Court's Order concerning the estate of Nicole Burns." This will be denied. If Randall Burns does not know whether he is the Administrator of the Estate or who its beneficiaries are, then it is highly unlikely that he is the Administrator. Furthermore, the motion is not signed by both plaintiffs, in violation of Rule 11.

Plaintiffs are reminded that they are responsible for service of process under Rule 4 of the Federal Rules of Civil Procedure.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs shall file an amended complaint no later than **November 15, 2013**.

**IT IS FURTHER ORDERED** that plaintiff's motion for extension of time is **DENIED**. [ECF No. 5]

Dated this 31st day of October, 2013.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE