

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bobby Lee Collins v. Kurgan, et al.

Collins v. Kurgan · No. 2:23-cv-1600 CSK P · Decided October 16, 2025

SUMMARY

The United States District Court for the Eastern District of California directed pro se prisoner plaintiff Bobby Lee Collins to re-file his opposition to defendants’ motion for summary judgment because the submitted opposition was unsigned. The court gave plaintiff twenty-one days to comply and warned that failure to do so could result in striking the filing and recommending that defendants’ motion be granted.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 16, 2025
DOCKET	2:23-cv-1600 CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a pro se state prisoner proceeding under 42 U.S.C. § 1983, submitted an unsigned opposition to defendants' pending motion for summary judgment. The court ordered plaintiff to sign and re-file the opposition within twenty-one days.
PRECEDENTIAL VALUE	unpublished district-court order
PARTIES	Bobby Lee Collins v. Kurgan, et al.

TOPICS

- summary judgment
- pleadings
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the court could consider a pro se plaintiff's opposition to summary judgment when the opposition was unsigned.
2. What procedural opportunity should be provided to the plaintiff before the unsigned opposition is stricken and defendants' summary-judgment motion potentially granted.

HOLDINGS

1. A pro se party must sign pleadings, motions, and other papers submitted for filing under Federal Rule of Civil Procedure 11(a); therefore, the court could not consider plaintiff's unsigned opposition unless he signed and re-filed it.
2. The court was required to provide plaintiff an opportunity to re-file a signed opposition before striking the unsigned filing and recommending that defendants' summary-judgment motion be granted.

KEY QUOTATIONS

"parties proceeding without counsel are required to sign all pleadings, motions, and other papers submitted to the court for filing." (at 1)

"Plaintiffs failure to comply with this order will result in an order striking the unsigned filing and a recommendation that defendants' motion for summary judgment be granted." (at 1)

FACTUAL BACKGROUND

Bobby Lee Collins is a state prisoner proceeding without counsel in a civil-rights action under 42 U.S.C. § 1983. Defendants filed a motion for summary judgment, and Collins filed a document styled as an opposition on October 6, 2025. Collins did not sign the opposition, despite having previously been reminded that pro se parties must sign papers submitted for filing.

PROCEDURAL HISTORY

Defendants filed a motion for summary judgment on August 5, 2025. Plaintiff had previously received an additional thirty days to oppose the motion, but his October 6, 2025 opposition was unsigned. The court declined to consider the unsigned filing unless plaintiff signed and re-filed it, and directed him to do so within twenty-one days.

DISPOSITION

other

CASES CITED

- Rand v. Rowland, 154 F.3d 952, 962-63 (9th Cir. 1998) (en banc)

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