

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PRECEDENTIAL VALUE	unpublished district-court order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)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 BOBBY LEE COLLINS, No. 2:23-cv-1600 CSK P 12 Plaintiff, 13 v.

ORDER 14 KURGAN, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 18 42 U.S.C. § 1983.

On October 6, 2025, plaintiff filed a document styled, "Opposition to 19 Defendants' Motion for Summary Judgment." (ECF No. 62.) However, plaintiff did not sign his 20 opposition. 21 This is the second time plaintiff has failed to sign a document submitted to the Court for 22 filing.

As plaintiff was reminded in the Court's February 11, 2025 order, parties proceeding 23 without counsel are required to sign all pleadings, motions, and other papers submitted to the 24 court for filing. Fed. R. Civ. P. 11(a).

Thus, the Court is unable to consider plaintiff's opposition 25 unless he signs and re-files the opposition. 26 Plaintiff is provided an opportunity to re-file his opposition bearing his signature. 27 Defendants' motion for summary judgment was filed on August 5, 2025, and plaintiff was 28 1 | previously granted an additional thirty days in which to file an opposition to the motion on 2 || September 17, 2025.

(ECF Nos. 59, 61.) Plaintiff is reminded that Rule 56 of the Federal Rules 3 || of Civil Procedure explains what plaintiff is required to do to oppose a motion for summary 4 | judgment. *Rand v. Rowland*, 154 F.3d 952, 962-63 (9th Cir. 1998) (en banc); Local Rule 260. 5 || These instructions were included in defendants' briefing on summary judgment. (ECF No. 59-4.)

6 In accordance with the above, IT IS HEREBY ORDERED that within twenty-one days 7 || from the date of this order, plaintiff shall re-file a signed opposition to the pending motion for 8 || summary judgment. Plaintiffs failure to comply with this order will result in an order striking 9 || the unsigned filing and a recommendation that defendants' motion for summary judgment be 10 | granted.

1] Dated: October 15, 2025 7 2 Chan Spo 13 CHI SOO KIM 14. soveomt6oost1b UNITED STATES MAGISTRATE JUDGE 15 16 17 18 19 20 21 22 23 24 25 26 27 28