

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

McVay v. Rodriguez

McVay · No. 1:24-cv-01059-BAM (PC) · Decided May 12, 2025

SUMMARY

The United States District Court for the Eastern District of California strikes Plaintiff Darron McVay’s first amended complaint because it was unsigned. The court directs the Clerk to provide a civil rights complaint form and gives Plaintiff 30 days to file a signed amended complaint or a notice of voluntary dismissal. The order warns that failure to comply may result in dismissal with prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 12, 2025
DOCKET	1:24-cv-01059-BAM (PC)
DISPOSITION	other
PROCEDURAL POSTURE	In a prisoner civil-rights action under 42 U.S.C. § 1983, the court screened the original complaint, granted leave to amend, and then considered Plaintiff's first amended complaint.
PRECEDENTIAL VALUE	unpublished
PARTIES	Darron McVay v. Rodriguez, et al.

TOPICS

- pleadings
- civil procedure
- prisoners rights
- section 1983

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

- Whether the court was required to strike Plaintiff's first amended complaint because it was unsigned.
- What filing date applies to papers mailed by Plaintiff after his release from custody.

HOLDINGS

1. An unsigned pleading must be stricken from the record because Federal Rule of Civil Procedure 11(a) and Eastern District of California Local Rule 131(b) require filed pleadings, motions, and papers to be signed by an attorney of record or by an unrepresented party personally.
2. Because Plaintiff had been released from custody, the prisoner mailbox rule no longer applied; filing was complete when mailed papers were received by the Clerk of Court.

KEY QUOTATIONS

“As Plaintiff’s first amended complaint is unsigned, the Court must strike it from the record.” (at 2)

“Now that Plaintiff has been released from custody, when papers are mailed to the Clerk’s Office, filing is complete when the papers are received by the Clerk of the Court.” (at 2)

FACTUAL BACKGROUND

Darron McVay, a former state prisoner proceeding pro se and in forma pauperis, filed a first amended complaint in a civil-rights action. The complaint was filed on May 9, 2025, but Plaintiff did not sign it. By the time of the order, Plaintiff had been released from custody, affecting the applicability of the prisoner mailbox rule.

PROCEDURAL HISTORY

The court screened Plaintiff’s complaint on March 4, 2025, and granted leave to file a first amended complaint curing identified deficiencies or to file a notice of voluntary dismissal. After granting a thirty-day extension, the court received Plaintiff’s first amended complaint on May 9, 2025, but determined that it was unsigned. The court struck the amended complaint and allowed Plaintiff thirty days to file a signed amended complaint or voluntarily dismiss the action.

DISPOSITION

other

CASES CITED

- Houston v. Lack, 487 U.S. 266, 270 (1988)
- Douglas v. Noelle, 567 F.3d 1103, 1108-09 (9th Cir. 2009)
- Cooper v. City of Ashland, 871 F.2d 104, 105 (9th Cir. 1989)