

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Susan Marie Shultz v. County of Kern, et al.

Shultz · No. 1:26-cv-00043-CDB · Decided January 8, 2026

SUMMARY

The United States District Court for the Eastern District of California orders Plaintiff Susan Marie Shultz to file a signed complaint within 21 days because the original complaint was unsigned under Federal Rule of Civil Procedure 11(a) and the court’s local rules. The court holds Shultz’s motion to proceed in forma pauperis in abeyance and warns that failure to comply may result in sanctions, including a recommendation to dismiss the action without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 8, 2026
DOCKET	1:26-cv-00043-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a civil-rights complaint under 42 U.S.C. § 1983 and the Fourteenth Amendment, together with a motion to proceed in forma pauperis. The court identified that the complaint was unsigned and ordered Plaintiff to file a signed complaint within 21 days, holding the in forma pauperis motion in abeyance.
PRECEDENTIAL VALUE	Nonprecedential district-court order

TOPICS

- pleadings civil procedure sanctions section 1983 procedural due process

PRACTICE AREAS

- Civil procedure Civil rights Constitutional law Municipal law

QUESTIONS PRESENTED

1. Whether the court must strike an unsigned complaint under Federal Rule of Civil Procedure 11(a) unless the defect is promptly corrected after notice.

2. Whether the court should direct Plaintiff to file a signed complaint and hold her motion to proceed in forma pauperis in abeyance pending correction of the signature deficiency.

HOLDINGS

1. An unsigned pleading must be stricken unless the party promptly corrects the signature deficiency after receiving notice.
2. The court held Plaintiff's motion to proceed in forma pauperis in abeyance until Plaintiff files a signed complaint.

KEY QUOTATIONS

"This Court must strike an unsigned pleading unless the deficiency is promptly corrected after notice to the party." (at 1)

"Any failure by Plaintiff to comply with this Order will result in the imposition of sanctions, including a recommendation to dismiss the entire action without prejudice." (at 3)

FACTUAL BACKGROUND

Plaintiff alleged that she was removed from housing after Kern County addressed environmental and building-code violations at her residence and that she was designated as homeless without notice or an opportunity to contest the designation. She further alleged that Defendants denied her housing and housing-related assistance based on assumptions and inaccurate records, without adequate procedural safeguards. Plaintiff asserted that the conduct resulted from an official policy or custom and therefore established municipal liability.

PROCEDURAL HISTORY

Plaintiff initiated the action on January 6, 2026, by filing a complaint and a motion to proceed in forma pauperis. On January 8, 2026, the district court determined that the complaint was unsigned, directed Plaintiff to file a signed copy within 21 days of service, and held the in forma pauperis motion in abeyance. The court warned that noncompliance could result in sanctions, including a recommendation that the action be dismissed without prejudice.

DISPOSITION

other

CASES CITED

- Monell v. Department of Social Services, 436 U.S. 658 (1978)

OPINION

Shultz

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 SUSAN MARIE SHULTZ, Case No.: 1:26-cv-00043-CDB 12 Plaintiff, ORDER
DIRECTING PLAINTIFF TO FILE

SIGNED COMPLAINT AND HOLDING IN

13 v. ABEYANCE MOTION TO PROCEED IN

FORMA PAUPERIS

14 COUNTY OF KERN, et al., (Docs. 1, 2) 15 Defendants.

21-DAY DEADLINE

16 17 Plaintiff Susan Marie Shultz (“Plaintiff”) initiated this action with the filing of a complaint
18 on January 6, 2026. (Doc. 1). That same day, Plaintiff filed a motion to proceed in forma
pauperis. 19 (Doc. 2). 20 Background 21 In her complaint, Plaintiff brings claims pursuant to 42
U.S.C. § 1983 and the Fourteenth 22 Amendment against Defendants the County of Kern, Lorelei
Oviatt, Kern County Community 23 Development, Kern County Sheriff’s Department, Flood
Ministries, and High Desert Women’s 24 Shelter. Id. at 1. Plaintiff’s allegations are somewhat
difficult to parse. Insofar as the Court can 25 discern, Plaintiff asserts that she was removed from
her housing as a result of the County of Kern 26 addressing environmental and building code
violations at her place of residence, and designated as 27 “homeless” without notice or opportunity
to contest the designation. She was thereafter denied 28 housing and housing-related assistance
due to Defendants’ “reliance on assumptions rather than 1 providing process or verification.”
Defendants’ “ongoing failure to provide procedural safeguards, 2 correct records, or otherwise
ensure Plaintiff’s access to housing constitutes violation of Plaintiff’s 3 Fourteenth Amendment
rights.” Plaintiff states that these deprivations establish municipal liability 4 under *Monell v.*
Department of Social Services, 436 U.S. 658 (1978), because they were caused by 5 official policy
or custom. Id. at 2-3. 6 Plaintiff attaches to her complaint a “Chronology of Harm / Timeline” and
what appear to 7 be truncated copies of email exchanges between her and Defendant Oviatt and
other employees of 8 the County of Kern. See id. at 4-12. 9 Discussion 10 The Court notes that
Plaintiff’s complaint is unsigned. See (Doc. 1). Under the Federal 11 Rules of Civil Procedure,
every pleading must be signed either by an attorney or a party if the party 12 is unrepresented.
Fed. R. Civ. P. 11(a). Similarly, this Court’s Local Rule 131(b) requires that 13 “[a]ll pleadings and
non-evidentiary documents shall be signed ... by the party involved if that 14 party is appearing in
propria persona.” Local Rule 131(b). The Local Rules define a signature as 15 a handwritten
signature on a paper document or an electronic signature on an electronically-filed 16 document.
Local Rule 100. This Court must strike an unsigned pleading unless the deficiency is 17 promptly
corrected after notice to the party. Fed. R. Civ. P. 11(a). 18 Thus, as Plaintiff’s complaint is
unsigned, the Court must strike it unless Plaintiff corrects 19 the deficiency. Accordingly, the
Court will direct Plaintiff to file a signed copy of her complaint 20 and hold in abeyance her
motion to proceed in forma pauperis (Doc. 2) until her signed complaint 21 is filed. 22 23

Remainder of This Page Intentionally Left Blank 24 25 26 27 28 1 Conclusion and Order 2 For the foregoing reasons, IT IS HEREBY ORDERED that, within 21 days of the date of 3 | service of this Order, Plaintiff SHALL file a signed copy of the complaint pursuant to Rule 11 of 4 | the Federal Rules of Civil Procedure and Local Rules 100 and 131(b). 5 Any failure by Plaintiff to comply with this Order will result in the imposition of 6 | sanctions, including a recommendation to dismiss the entire action without prejudice. 7 | ITIS SO ORDERED. 8 Dated: _ January 8, 2026 | Ww VV KD

9 UNITED STATES MAGISTRATE JUDGE

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