

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Robert Smythe v. Bailey, et al.

Smythe v. Bailey · No. 1:25-cv-01624-BAM (PC) · Decided December 11, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Plaintiff Robert Smythe a final 30-day opportunity to file a complete and signed complaint in his 42 U.S.C. § 1983 action. The order warns that failure to comply may result in a recommendation of dismissal with prejudice for failure to obey a court order and failure to state a claim.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
DECIDED	December 11, 2025
DOCKET	1:25-cv-01624-BAM (PC)
DISPOSITION	other
PROCEDURAL POSTURE	In a prisoner civil-rights action under 42 U.S.C. § 1983, the court had previously struck Plaintiff's complaint as unsigned and ordered him to file a signed complaint or a notice of voluntary dismissal. After Plaintiff filed only the signature page, the court extended the deadline and ordered him to file a complete, signed complaint.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- pleadings civil procedure prisoners rights section 1983

PRACTICE AREAS

- civil procedure civil rights prisoner civil rights

QUESTIONS PRESENTED

- Whether filing only the signature page of a previously stricken complaint satisfies the court's order requiring a complete and signed complaint.
- What pleading requirements Plaintiff must satisfy to proceed with the § 1983 action.

HOLDINGS

1. Filing only the completed signature page was insufficient to comply with the court's order; Plaintiff was required to file a complete and signed complaint.
2. The signed complaint must be complete in itself, without reference to the prior or superseded pleading, and must briefly identify what each named defendant did that allegedly deprived Plaintiff of constitutional rights.

KEY QUOTATIONS

“Merely filing the completed signature page of his complaint is not sufficient.” (at 1)

“Therefore, Plaintiff’s signed complaint must be “complete in itself without reference to the prior or superseded pleading.”” (at 1)

FACTUAL BACKGROUND

Robert Smythe, a state prisoner proceeding pro se, brought a civil-rights action under 42 U.S.C. § 1983. The court struck his original complaint because it was unsigned and required a complete signed complaint or notice of voluntary dismissal. Smythe then filed only the signature page, rather than a complete signed pleading.

PROCEDURAL HISTORY

On November 25, 2025, the court struck Plaintiff's complaint as unsigned and gave him thirty days to file a signed complaint or a notice of voluntary dismissal. Plaintiff responded by filing only the final, signed page of the complaint. The court issued this order granting a final opportunity to file a complete and signed complaint and warning that noncompliance could result in a recommendation of dismissal with prejudice.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Lacey v. Maricopa Cty., 693 F.3d 896, 927 (9th Cir. 2012)

OPINION

Bailey

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 ROBERT SMYTHE, Case No. 1:25-cv-01624-BAM (PC) 12 Plaintiff, ORDER

EXTENDING DEADLINE FOR
PLAINTIFF TO FILE SIGNED COMPLAINT

13 v. (ECF No. 5) 14 BAILEY, et al.,
THIRTY (30) DAY DEADLINE

15 Defendants. 16

17 Plaintiff Robert Smythe (“Plaintiff”) is a state prisoner proceeding pro se in this civil 18 rights
action pursuant to 42 U.S.C. § 1983. 19 On November 25, 2025, the Court issued an order striking
Plaintiff’s complaint as 20 unsigned and requiring Plaintiff to file a signed complaint or a notice of
voluntary dismissal 21 within thirty (30) days. (ECF No. 5.) 22 On December 10, 2025, Plaintiff
responded to the Court’s order by filing a copy of the 23 final page of his complaint, including his
signature. (ECF No. 7.) 24 Plaintiff is advised that because his original complaint was stricken as
unsigned, he is 25 required to file a complete and signed complaint in order to comply with the
Court’s November 26 25, 2025 order. Merely filing the completed signature page of his complaint
is not sufficient. 27 Plaintiff will therefore be granted a final opportunity to comply with the
Court’s order to file a 28 complete and signed complaint in order to proceed with this action. 1
Plaintiff is reminded that his complaint should be brief, Fed. R. Civ. P. 8(a), but it must 2 state
what each named defendant did that led to the deprivation of Plaintiff’s constitutional rights, 3
Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009). Although accepted as true, the “[f]actual 4
allegations must be [sufficient] to raise a right to relief above the speculative level” Bell 5
Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007) (citations omitted). 6 Finally, Plaintiff is
advised that the signed complaint supersedes the original stricken 7 complaint. Lacey v. Maricopa
Cty., 693 F.3d 896, 927 (9th Cir. 2012). Therefore, Plaintiff’s 8 signed complaint must be
“complete in itself without reference to the prior or superseded 9 pleading.” Local Rule 220. 10
Accordingly, IT IS HEREBY ORDERED that: 11 1. The Clerk of the Court is directed to send
Plaintiff a civil rights complaint form; 12 2. Within thirty (30) days from the date of service of this
order, Plaintiff shall file a 13 complete and signed complaint (or file a notice of voluntary
dismissal); and 14 3. If Plaintiff fails to comply with this order, the Court will recommend
dismissal of 15 this action, with prejudice, for failure to obey a court order and for failure to state a
16 claim. 17 IT IS SO ORDERED. 18 19 Dated: December 11, 2025 /s/ Barbara A. McAuliffe _
UNITED STATES MAGISTRATE JUDGE
20 21 22 23 24 25 26 27 28