

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PRECEDENTIAL VALUE	nonprecedential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 The signed complaint must be complete in itself, without reference to the prior or superseded pleading, and must briefly identify what each named defendant did that allegedly deprived Plaintiff of constitutional rights.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“Therefore, Plaintiff’s signed complaint must be “complete in itself without reference to the prior or superseded pleading.””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)