

**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

OPINION

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the prior or superseded 9 pleading.”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