

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

James Hodges, III v. Warden of Folsom State Prison, et al.

No. 2:25-cv-2328 CSK P, United States District Court for the Eastern District of California (August 21, 2025)

SUMMARY

The United States District Court for the Eastern District of California ordered that James Hodges, III must personally sign and refile the complaint and in forma pauperis application, or have them signed by an attorney. The court held that Cynthia Hodges, as a non-attorney, could not represent James Hodges or sign pleadings on his behalf. The court allowed thirty days for compliance and warned that failure to comply would result in dismissal.

CASE DETAILS

|                       |                                                                                                                                                                     |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                 |
| WRITING FOR THE COURT | Chi Soo Kim                                                                                                                                                         |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                 |
| DECIDED               | August 21, 2025                                                                                                                                                     |
| DOCKET                | 2:25-cv-2328 CSK P                                                                                                                                                  |
| DISPOSITION           | other                                                                                                                                                               |
| PROCEDURAL POSTURE    | The court addressed an initial civil-rights complaint and in forma pauperis application filed and signed by a non-lawyer purportedly on behalf of a state prisoner. |
| PRECEDENTIAL VALUE    | nonprecedential district court order                                                                                                                                |
| PARTIES               | James Hodges, III v. Warden of Folsom State Prison, et al.                                                                                                          |

TOPICS

- pleadings
- civil procedure
- section 1983
- civil rights

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether a non-lawyer may file and sign pleadings or assert the personal constitutional claims of another individual.
2. Whether the court must require a properly signed complaint and in forma pauperis application under Federal Rule of Civil Procedure 11(a).

## HOLDINGS

1. A non-lawyer may not represent another individual or sign pleadings on that individual's behalf, and a general power of attorney does not authorize a non-lawyer to assert another person's personal constitutional claims.
2. The plaintiff must re-file the complaint and in forma pauperis application bearing his own signature or the signature of an attorney; if the omission is not timely corrected, the court will strike the pleading and recommend dismissal.

## KEY QUOTATIONS

*“The court must strike an unsigned paper unless the omission is promptly corrected after being called to the . . . party’s attention.” (at 2)*

## FACTUAL BACKGROUND

Cynthia Hodges filed a civil-rights complaint and in forma pauperis affidavit purportedly for James Hodges, III, a state prisoner. Hodges did not sign either document, and Cynthia Hodges did not establish that she was an attorney or otherwise authorized to represent him in court. The complaint was filed on law-firm pleading paper, but the court noted that the identified firm's website did not list Cynthia Hodges as an attorney.

## PROCEDURAL HISTORY

On August 13, 2025, Cynthia Hodges filed a 42 U.S.C. § 1983 complaint and in forma pauperis affidavit purportedly on behalf of James Hodges, III. James Hodges did not sign either filing. The court ordered that a properly signed complaint and in forma pauperis application be filed within thirty days and warned that failure to comply would result in a recommendation that the action be dismissed.

## DISPOSITION

other

## CASES CITED

- United States v. Basher, 629 F.3d 1161, 1165 (9th Cir.)
- Foley v. Martz, 2018 WL 5111998, at \*1 (S.D. Cal. Oct. 19, 2018)
- Johns v. County of San Diego, 114 F.3d 874, 876-877 (9th Cir.)

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