

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PRECEDENTIAL VALUE	nonprecedential district court order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.)

OPINION

(PC) Hodges v. Warden of Folsom State Prison

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 JAMES HODGES, III, No. 2:25-cv-2328 CSK P

12 Plaintiff, 13 v. ORDER

14 WARDEN OF FOLSOM STATE

PRISON, et al., 15 Defendants. 16 17 On August 13, 2025, a civil rights action pursuant to 42 U.S.C. § 1983 was filed by a 18 person named Cynthia Hodges, purportedly on behalf of James Hodges, III, a state prisoner.¹ 19 James Hodges, III, did not sign the complaint or the in forma pauperis affidavit. Ms. Hodges did 20 not identify the nature of her relationship with James Hodges, III, but even if she is related to 21 James Hodges, unless Ms. Hodges is an attorney,² she may not represent other individuals or sign 22 23 1 The complaint initially states Hodges did not die from the fall, but then in paragraph 47, claims that “[a]s a result of the injuries and death of HODGES,” plaintiff sustained various injuries. 24 (ECF No. 1 at 13.) The CDCR inmate locator website confirms a James Hodges III, CDCR #C71763, is in state custody, presently housed at Folsom State Prison. <https://ciris.mt.cdcr.ca.gov> 25 (accessed Aug. 19, 2025). The Court may take judicial notice of public records available on online inmate locators. See *United States v. Basher*, 629 F.3d 1161, 1165 (9th Cir. 2011) (taking 26 judicial notice of Bureau of Prisons’ inmate locator available to the public); see also *Foley v. Martz*, 2018 WL 5111998, at *1 (S.D. Cal. Oct. 19, 2018) (taking judicial notice of CDCR’s 27 inmate locator). 2 Cynthia Hodges filed the complaint on pleading paper stamped with “Arias Sanguinetti Wang 28 & Team LLP,” with no address. (ECF No. 1 at 2-16.) The website for that law firm, 1 | pleadings on behalf of other individuals. Parties proceeding without counsel are required to sign 2 || all pleadings, motions, and other papers submitted to the court for filing. Fed. R. Civ. P. 11(a). 3 || In addition, Local Rule 183(a) requires that any individual who is representing herself or himself 4 || without an attorney must appear personally or by courtesy appearance by an attorney and may not 5 || delegate that duty to any other individual. E.D. Cal. L.-R. 183(a). Therefore, Ms. Hodges may 6 || not bring claims on behalf of James Hodges, III. See *Johns v. County of San Diego*, 114 F.3d 7 || 874, 876-877 (9th Cir. 1997) (a non-lawyer has no authority to appear as an attorney for another, 8 | and general power of attorney does not give non-lawyer right to assert the personal constitutional 9 | claims of another). 10 Further, Rule 11 also provides that “[t]he court must strike an unsigned paper unless the 11 || omission is promptly corrected after being called to the . . . party’s attention.” Fed. R. Civ. P. 12 | 11(a). Thus, James Hodges, III, is provided thirty days in which to re-file his complaint and 13 || application to proceed in forma pauperis bearing his signature, or the signature of an attorney. 14 | Failure to timely comply will result in an order striking the pleading signed by Cynthia

Hodges 15 || and dismissing the case. 16 In accordance with the above, IT IS HEREBY ORDERED that: 17 1. Plaintiff John Hodges, III, shall submit, within thirty days from the date of this order, a 18 || complaint and an affidavit in support of his request to proceed in forma pauperis on the form 19 || provided by the Clerk of Court, both bearing plaintiff's own signature or the signature of an 20 || attorney. Plaintiffs failure to comply with this order will result in a recommendation that this 21 || action be dismissed; and 22 2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In 23 || Forma Pauperis By a Prisoner. 24 || Dated: August 20, 2025 A aA Aan Spe |

CHI SOO KIM

26 | /throdg2328 30+ UNITED STATES MAGISTRATE JUDGE 27 Q_—_ xV
“aswtlawyers.com” does not list Cynthia Hodges as an attorney. <www.aswtlawyers.com> 28 |
(accessed Aug. 19, 2025).