

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Chris Miller v. I. Salcedo

Miller v. Salcedo · No. 1:25-cv-01307-HBK · Decided December 15, 2025

SUMMARY

The United States District Court for the Eastern District of California discharges its order to show cause after Plaintiff Chris Miller responds regarding the failure to file a signed complaint. The court directs the Clerk to resend the unsigned complaint and gives Plaintiff until January 5, 2026, to sign, date, and refile it under penalty of perjury. The order warns that failure to comply may result in a recommendation of dismissal under Federal Rule of Civil Procedure 41(b) and Local Rule 110.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 15, 2025
DOCKET	1:25-cv-01307-HBK
DISPOSITION	other
PROCEDURAL POSTURE	The court considered Plaintiff's response to an order to show cause why the action should not be dismissed for failure to comply with an order requiring a signed complaint.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- pleadings
- sanctions
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

- Whether the order to show cause should be discharged in light of Plaintiff's representation that he had returned a signed complaint.

2. Whether Plaintiff should be afforded additional time to file a complaint personally signed under penalty of perjury.
3. What consequence should follow if Plaintiff continues to submit unsigned filings or fails to comply with the court's order.

HOLDINGS

1. The court discharged the November 20, 2025 order to show cause and allowed Plaintiff additional time to submit a signed complaint.
2. An unrepresented party must personally sign pleadings, written motions, and other papers, and the court will not consider and will strike future filings that are unsigned.
3. If Plaintiff fails to timely submit a signed complaint, the undersigned will recommend dismissal for failure to comply with a court order and to prosecute the action.

KEY QUOTATIONS

“The Court will not consider and will strike any future filings by Plaintiff if they are unsigned.” (at 1)

“Plaintiffs failure to timely comply with this Order will result in the undersigned recommending the district court dismiss this case for Plaintiff’s failure to comply with a Court order and prosecute this action consistent with Local Rule 110 and Federal Rule of Civil Procedure 41(b).” (at 2)

FACTUAL BACKGROUND

Plaintiff's original complaint was unsigned, despite a prior order directing him to return a complaint signed under penalty of perjury. Plaintiff represented that he had promptly returned a signed complaint, but no signed complaint had been received or filed. His response to the order to show cause was also unsigned.

PROCEDURAL HISTORY

The court previously ordered Plaintiff to return a complaint signed under penalty of perjury. After no signed complaint was filed, the court issued an order to show cause under Local Rule 110. Plaintiff responded by stating that he had returned a signed complaint, but his response was itself unsigned and the docket still contained no signed complaint. The court discharged the order to show cause, granted additional time to submit a signed complaint, and directed the Clerk to resend the unsigned complaint.

DISPOSITION

other

CASES CITED

- West v. Hulbert, 2016 WL 2854416, at *1 (E.D. Cal. May 16, 2016)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 CHRIS MILLER, Case No. 1:25-cv-01307-HBK 12 Plaintiff, ORDER
DISCHARGING ORDER TO SHOW CAUSE 13 v. (Doc. No. 8) 14 I. SALCEDO, ORDER
DIRECTING CLERK TO RESEND 15 Defendant. COPY OF UNSIGNED COMPLAINT TO
PLAINTIFF FOR SIGNING AND REFILE 16 JANUARY 5, 2026 DAY DEADLINE 17 18
On November 20, 2025, the undersigned ordered Plaintiff to show cause why the court 19 should
not dismiss this case pursuant to Local Rule 110 for Plaintiff's failure to comply with the 20
October 6, 2020 order directing Plaintiff to return a signed complaint under penalty of perjury.

21 (Doc. No. 8, "show cause order"). On December 11, 2025, Plaintiff filed a response to the show
22 cause order. (Doc. No. 9). Therein, Plaintiff states he promptly returned a signed complaint
upon 23 receipt of the October 6, 2025 order. (Id.). Notably, similar to Plaintiff's original
complaint, the 24 response is not signed by Plaintiff. (Id.). 25 The docket reveals that, to date, no
signed complaint has been received or filed.

26 Nonetheless, given Plaintiff's representations, the court will discharge the show cause order
and 27 afford Plaintiff additional time to refile a signed complaint. The court duly warns Plaintiff
that 28 Rule 11 requires all pleadings, written motions, and other papers be signed by a party
personally 1 | if the party is unrepresented. Fed. R. Civ. P. 11(a); see also E.D.

Ca. Local Rule 131(b). The 2 | Court will not consider and will strike any future filings by Plaintiff
if they are unsigned. Fed. R. 3 | Civ. P. 11(a); L.R. 131(b). L.R. 131(b). See, e.g., West v. Hulbert,
2016 WL 2854416, at *1 4 | (E.D. Cal. May 16, 2016) ("Because the Court cannot consider
unsigned filings, the 5 | complaint must be STRICKEN"). 6 Accordingly, it is ORDERED: 7 1.

The court discharges the November 20, 2025 order to show cause (Doc. No. 8). 8 2. On or before
January 5, 2026, Plaintiff shall deliver to correctional officials for 9 mailing a copy of his
complaint dated and signed under penalty of perjury. 10 3.

The Clerk of Court shall resend a copy of the unsigned complaint (Doc. No. 1) to 11 Plaintiff with
this order for Plaintiff's convenience in signing, dating, and refile his 12 complaint. 13 4.
Plaintiff's failure to timely comply with this Order will result in the undersigned 14 recommending
the district court dismiss this case for Plaintiff's failure to comply with 15 a Court order and
prosecute this action consistent with Local Rule 110 and Federal 16 Rule of Civil Procedure 41(b).

17 18 Dated: _ December 15, 2025 law ZA. foareh Zackte 19 HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE 21 22 23 24 25 26 27 28