

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

HJALMAR RODRIGUEZ, JR.,

Plaintiff,

V.

Warden JACOB BEASLEY, *et al.*,

Defendants.

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NO. 7:24-cv-00025-WLS-TQL

ORDER

Plaintiff Hjalmar Rodriguez, Jr., a prisoner in Smith State Prison in Glennville, Georgia, filed a complaint under 42 U.S.C. § 1983. Compl., ECF No. 1. Thereafter, the United States Magistrate Judge recommended that the complaint be dismissed without prejudice under 28 U.S.C. § 1915(g) because Plaintiff has incurred three strikes and did not allege facts demonstrating imminent danger of serious physical injury. R. & R., ECF No. 4. Initially, this Court adopted that recommendation and entered judgment against Plaintiff. Order, ECF No. 5; J., ECF No. 6.

Plaintiff, however, subsequently submitted a motion for an extension of time to file his objections, demonstrating that he had not received the recommendation of dismissal in a timely manner. Notice of Filing Mot. for Ext. of Time, ECF No. 7. Around the same time, Plaintiff filed a proposed amended complaint. Notice of Filing Proposed Am. Compl., ECF No. 8. This Court vacated the order of dismissal and judgment and granted Plaintiff until July 10, 2024, to file objections. Order, ECF No. 9. Plaintiff has now submitted objections within the extended time. Obj., ECF No. 10.


Both the proposed amended complaint and objections include new factual allegations. Therefore, they are now construed as a motion to amend the complaint, which is **GRANTED**. The proposed amended complaint, however, has not been signed. In this regard, Plaintiff included a certificate of service with his typewritten name on the proposed amended complaint, but he did not actually sign the pleading. *See generally id.*

Every document filed with the Court by a *pro se* litigant must be signed by that litigant, and the Court is required to strike any unsigned document unless the omission of the signature is promptly corrected after being called to the litigant's attention. Fed. R. Civ. P. 11(a). The **CLERK** is therefore **DIRECTED** to enclose a copy of Plaintiff's amended complaint with this order. Plaintiff is **ORDERED** to sign the amended complaint and return the signed copy to this Court. Plaintiff shall have **FOURTEEN (14) DAYS** from the date of this order to sign and return the amended complaint. Plaintiff's failure to do so may result in the complaint being struck from this action pursuant to Rule 11, which may in turn result in the Court declining to consider the amended complaint.

Once Plaintiff has signed and returned the amended complaint, the **CLERK** is **DIRECTED** to refer this matter back to the United States Magistrate Judge for a preliminary review of the amended complaint, taking into account the arguments set forth in Plaintiff's objections regarding whether he has incurred three strikes under 28 U.S.C.

§ 1915(g).¹

SO ORDERED and DIRECTED, this 10~~th~~ day of July, 2024.



W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT

¹The Court makes no comment at this time as to the merit of Plaintiff's argument that his dismissed cases do not qualify as strikes under the statute.