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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION

CHRISTOPHER HARBRIDGE,

Plaintiff,

v.

ARNOLD SCHWARZENEGGER,
et al.,

Defendants.

) CV 07-4486-GW (SH)

) ORDER ADOPTING AMENDED
) REPORT AND RECOMMENDATION
) OF UNITED STATES
) MAGISTRATE JUDGE; and
) ORDER

Pursuant to 28 U.S.C. Section 636(b)(1)(c), the Court has reviewed the First Amended Complaint and other papers along with the attached Amended Report and Recommendation of the United States Magistrate Judge, and has made a de novo determination of the Amended Report and Recommendation.

IT IS HEREBY ORDERED that:

- 1. The Amended Report and Recommendation is approved and

1 adopted.

2 2. The following claims are dismissed with leave to amend:

3 (1) Claims 5, 7, 8, 9, (retaliation only);

4 (2) Claim 7 (Eighth Amendment conditions of confinement as to
5 Defendants Dottaviano, Porter, and Baumgardner only);

6 (3) Claims 10 and 11 (theories of causation must be included in
7 the substantive claims to which they relate; these should not
8 be asserted as separate claims);

9 (4) Claim 15 (states a substantive retaliation claim, but dismissed
10 with leave to amend as to custom and policy allegations);

11 (5) Claims 12 and 20 (must allege conduct by Reed with a causal
12 connection to the alleged retaliation), and;

13 (6) Claim 23.

14 3. The following claims are dismissed without leave to amend:

15 (1) Claims 5 and 8 (Eighth Amendment claims);

16 (2) Claims 5, 7, 8, 9, and 15 (due process claims), and;

17 (3) Claim 21 (theory of liability).

18 If Plaintiff wishes to pursue this action in this Court, he must file a second
19 amended complaint within thirty days of the date this Order Adopting the
20 Amended Report and Recommendation is filed. The amended complaint,
21 bearing the number CV 07-4486-GW (SH), must be a complete and independent
22 document and must not refer to prior pleadings. Plaintiff is cautioned that failure
23 to file a second amended complaint within the time specified by this Order may
24 result in dismissal of the action with prejudice on the grounds stated in the
25 Amended Report and Recommendation of the United States Magistrate Judge
26 and/or for failure to prosecute.

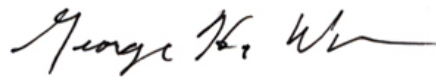
27 In preparing a second amended complaint, Plaintiff must bear in mind the
28 deficiencies of the current pleading, and must assure that they are not repeated.

1 Plaintiff must take particular note of the following guidelines:

- 2 1. Plaintiff must set forth the jurisdictional grounds for his claims at
3 the outset of the complaint.
- 4 2. The complaint must include only factual allegations directly
5 relevant to Plaintiff's claims, which must be stated in separate,
6 numbered paragraphs (preferably in chronological order), each
7 limited to a single set of circumstances. The facts should be stated
8 in simple, complete sentences. Repetition is to be avoided.
- 9 3. The complaint must clearly identify the specific acts on which each
10 claim is based. Insofar as possible, the allegations should include
11 the date, time, place and circumstances of the offending conduct by
12 each defendant, a clear statement of what each defendant did or
13 failed to do, and the damage of injury suffered by Plaintiff as a
14 result of each defendant's conduct.
- 15 4. If civil rights violations are claimed, the complaint must specifically
16 set forth the federal constitutional right or rights infringed with
17 respect to each alleged wrongful act or omission.

18
19 IT IS FURTHER ORDERED that the Clerk shall serve forthwith a copy of
20 this Order on Plaintiff.

21
22 DATED: July 20, 2010

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25 _____
26 GEORGE H. WU
27 UNITED STATES DISTRICT JUDGE
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