



1 provided in paragraph 3 of this Order.

- 2 3. Plaintiff's official capacity claims against defendants Johnson and  
3 Thomas, Jr., and his Eighth and Fourteenth Amendment claims, are  
4 dismissed without leave to amend.

5 If Plaintiff wishes to pursue this action in this court, he must file a first  
6 amended complaint within forty-five days of the date this Order Accepting the  
7 Report and Recommendation is filed. The amended complaint, bearing the number  
8 CV 13-4929-JAK (SH), must be a complete and independent document and must  
9 not refer to prior pleadings. Plaintiff is cautioned that failure to file a first amended  
10 complaint within the time specified by this Order may result in dismissal of the  
11 action with prejudice on the grounds stated in the Report and Recommendation of  
12 the United States Magistrate Judge and/or for failure to prosecute.

13 In preparing a first amended complaint, Plaintiff must bear in mind the  
14 deficiencies of the current pleading, and must assure that they are not repeated.  
15 Plaintiff must take particular note of the following guidelines:

- 16 1. Plaintiff must set forth the jurisdictional grounds for his claims at the  
17 outset of the complaint.
- 18 2. The complaint must include only factual allegations directly relevant  
19 to Plaintiff's claims, which must be stated in separate, numbered  
20 paragraphs (preferably in chronological order), each limited to a single  
21 set of circumstances. The facts should be stated in simple, complete  
22 sentences. Repetition is to be avoided.
- 23 3. The complaint must clearly identify the specific acts on which each  
24 claim is based. Insofar as possible, the allegations should include the  
25 date, time, place and circumstances of the offending conduct by each  
26 defendant, a clear statement of what each defendant did or failed to do,  
27 and the damage of injury suffered by Plaintiff as a result of each  
28 defendant's conduct.

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- 4. If civil rights violations are claimed, the complaint must specifically set forth the federal constitutional right or rights infringed with respect to each alleged wrongful act or omission.
- 5. Plaintiff may not add new claims or defendants without leave of court.

IT IS FURTHER ORDERED that the Clerk shall serve forthwith a copy of this Order on the Plaintiff and counsel for Defendants.

DATED: March 24, 2014



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JOHN A. KRONSTADT  
UNITED STATES DISTRICT JUDGE