

## UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ALVIN J. SCHROEDER, CASE NO. 1:09-cv-02236-AWI-GBC PC

Plaintiff, ORDER STRIKING FIRST AMENDMENT TO  
v. COMPLAINT  
(Doc. 8)JAMES A. YATES, et al., ORDER STRIKING SECOND AMENDMENT  
Defendants. TO COMPLAINT  
(Doc. 10)ORDER STRIKING MOTIONS FOR TIMELY  
HEARING AND IMMEDIATE DECISION.  
(Docs. 9, 11)ORDER DENYING MOTION TO ADD  
CERTAIN DEFENDANTS AND CLAIMS  
(Doc. 12)

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I. Procedural History

On December 28, 2009, Plaintiff Alvin J. Schroeder, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. On April 21, 2010, Plaintiff filed an incomplete amendment which sought to add a new count and two additional defendants. On May 7, 2010, Plaintiff filed a motion requesting a timely hearing. On May 24, 2010, Plaintiff filed another amendment which sought to add an additional defendant. On June 7, 2010, Plaintiff filed a motion for immediate decision. Lastly, on August 25, 2010, Plaintiff filed a motion to add as defendants Dr. Green, Dr. Rahimi and Correctional Officer Catlett and add additional unrelated claims associated with these individuals.

1      **II. Amendments Not in Compliance with Local Rule 220**

2      According to Local Rule 220:

3      [E]very pleading to which an amendment or supplement is permitted as a matter of  
4      right or has been allowed by court order shall be retyped and filed so that it is  
5      complete in itself without reference to the prior or superseded pleading. No pleading  
6      shall be deemed amended or supplemented until this Rule has been complied with.  
7      All changed pleadings shall contain copies of all exhibits referred to in the changed  
8      pleading.

9      Local Rule 220. Plaintiff's amendments are not complete without necessitating reference to prior  
10     pleadings. Accordingly, Plaintiff's first and second amendments are **HEREBY STRICKEN** from  
11     the record, and within **thirty (30) days** from the date of service of this order, Plaintiff may file a first  
12     amended complaint which complies with the abovementioned Local Rule 220.

13      **III. Motions for Immediate Decision and Timely Hearing**

14      As mentioned in the first informational order to the Plaintiff, this case will be addressed "in  
15     due course" and all pretrial motions will be submitted without a hearing pursuant to Local Rule  
16     230(l). Therefore, Plaintiff's motions for a timely hearing and immediate decision are **HEREBY**  
17     **STRICKEN** from the record.

18      **IV. Application of Rule 18 to Multiple, Unrelated Claims and Parties**

19      Under Rule 18 of the Federal Rules of Civil Procedure, Plaintiff may not pursue multiple,  
20     unrelated claims and parties in this action. As the Seventh Circuit observed in George v. Smith:

21      The controlling principle appears in Fed. R. Civ. P. 18(a): 'A party asserting a claim  
22     to relief as an original claim, counterclaim, cross-claim, or third-party claim, may  
23     join, either as independent or as alternate claims, as many claims, legal, equitable, or  
24     maritime, as the party has against an opposing party.' Unrelated claims against  
25     different defendants belong in different suits, not only to prevent the sort of morass  
26     [a multiple claim, multiple defendant] suit produce[s], but also to ensure that  
27     prisoners pay the required filing fees-for the Prison Litigation Reform Act limits to  
28     3 the number of frivolous suits or appeals that any prisoner may file without  
   prepayment of the required fees. 28 U.S.C. § 1915(g).

29      George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007). Since Plaintiff's request to add Dr. Green, Dr.  
30     Rahimi and Correctional Officer Catlett as defendants requires adding unrelated claims, Plaintiff's  
31     request is **HEREBY DENIED**.

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1      **V. Conclusion**

2      Based on the foregoing, IT IS HEREBY ORDERED that:

3      1. Plaintiff's first and second amendments are **HEREBY STRICKEN** from the record,  
4                    and within **thirty (30) days** from the date of service of this order, Plaintiff may file  
5                    a first amended complaint which complies with Local Rule 220;

6      2. Plaintiff's motions for a timely hearing and immediate decision are **HEREBY**  
7                    **STRICKEN** from the record.

8      3. Plaintiff's request to add unrelated claims through adding Dr. Green, Dr. Rahimi and  
9                    Correctional Officer Catlett as defendants is **HEREBY DENIED**.IT IS SO  
10                    ORDERED.

11                    Dated: November 1, 2010

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13                    UNITED STATES MAGISTRATE JUDGE