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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
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7 DOUGAL SAMUELS,

8 Plaintiff,

9 vs.

10 PAM AHLIN, et al.,

11 Defendants.
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1:10-cv-00585-EPG-PC

ORDER REQUESTING CLARIFICATION
FROM PLAINTIFF

THIRTY DAY DEADLINE TO RESPOND

13 This order is being issued for Plaintiff to clarify whether he intended to omit Stephen
14 Mayberg, Fresno County Board of Supervisors, and the Governor of California as defendants in
15 this case when he filed the Second Amended Complaint. Plaintiff shall have thirty days to
16 respond.

17 **I. BACKGROUND**

18 Dougal Samuels (“Plaintiff”) is a civil detainee proceeding *pro se* and *in forma*
19 *pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the
20 Complaint commencing this action on April 5, 2010. (ECF No. 1.) On November 2, 2012,
21 Plaintiff filed the First Amended Complaint. (ECF No. 15.) On October 1, 2014, the Court
22 found that Plaintiff stated cognizable claims in the First Amended Complaint against
23 defendants Pam Ahlin, Stephen Mayberg, Fresno County Board of Supervisors, and the
24 Governor of California, on Plaintiff’s safe-conditions claim under the Due Process Clause.
25 (ECF No. 24.)

26 On June 25, 2015, Plaintiff requested leave to file a Second Amended Complaint to
27 identify the Doe Defendants. (ECF No. 31.) On October 9, 2015, the Court granted Plaintiff
28 leave to file a Second Amended Complaint for the limited purpose of identifying the Doe

1 Defendants. (ECF No. 32.) On December 2, 2015, Plaintiff filed the Second Amended
2 Complaint. (ECF No. 36.)

3 **II. SECOND AMENDED COMPLAINT**

4 Plaintiff names eleven defendants in the Second Amended Complaint: Pam Ahlin,
5 Audrey King, Brandon Price, Robert Withrow, Karin Hundal, Ron Howard, Peter Bresler,
6 Cynthia A. Radavsky, Orange County Public Defender's Office, Office of Patient's Rights, and
7 the California Department of Corrections and Rehabilitation.

8 Notably, the Second Amended Complaint does not name three of the defendants that
9 were named in the First Amended Complaint and against whom the Court found cognizable
10 claims under the Due Process Clause. (See Court's Order, ECF No. 24.) The three defendants
11 omitted from the Second Amended Complaint are Stephen Mayberg, Fresno County Board of
12 Supervisors, and the Governor of California. The Court requests clarification from Plaintiff of
13 his intentions.¹

14 **III. CONCLUSION**

15 Based on the foregoing, IT IS HEREBY ORDERED that within thirty days of the date
16 of service of this order, Plaintiff shall respond in writing to this order, clarifying whether he
17 intended to remove defendants Stephen Mayberg, Fresno County Board of Supervisors, and the
18 Governor of California from this case when he filed the Second Amended Complaint.

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20 IT IS SO ORDERED.

21 Dated: May 16, 2016

22 /s/ Eric P. Grogan
23 UNITED STATES MAGISTRATE JUDGE

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26 ¹ Plaintiff was informed in the Court's order of October 9, 2015 that "an amended complaint
27 supercedes the original complaint . . . , and it must be complete in itself without reference to the prior or superceded
28 pleading. Local Rule 220. Once an amended complaint is filed, the original complaint no longer serves any
function in the case." (ECF No. 32 at 4:15-18.) Accordingly, Plaintiff's Second Amended Complaint, which does
not include defendants Stephen Mayberg, Fresno County Board of Supervisors, and the Governor of California, is
now the operative complaint for this case.