

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MARCUS LEON LINTHECOME,

Plaintiff,

v.

MAURICE JUNIOUS, et al.,

Defendants.

CASE NO. 1:11-cv-00923-AWI-BAM PC

ORDER STRIKING FIRST AMENDED COMPLAINT

(ECF No. 23)

THIRTY DAY DEADLINE

Plaintiff Marcus Leon Linthecome is a former state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On April 26, 2012, Plaintiff's complaint was dismissed for failure to state a claim, with leave to amend. (ECF No. 21.) On June 5, 2012, Plaintiff filed a first amended complaint.

Plaintiff's complaint is basically a thirteen page paragraph alleging unrelated claims against approximately sixty five defendants. In the order issued April 26, 2012, Plaintiff was informed that his complaint must conform with Federal Rules of Civil Procedure 8, 10, 18, and 20. Plaintiff was warned that if he failed to file a complaint in compliance with the order, this action will be dismissed for failure to state a claim. Plaintiff's complaint does not comply with the Federal Rules of Civil Procedure and the order issued on April 26, 2012, and therefore, shall be stricken from the record. Plaintiff shall be granted one final opportunity to file a complaint in compliance with the order issued April 26, 2012.

Accordingly, IT IS HEREBY ORDERED that:

- 1. Plaintiff's first amended complaint, filed June 5, 2012, is STRICKEN FROM THE

1 RECORD;

2 2. Within thirty days from the date of service of this order, Plaintiff shall file an  
3 amended complaint in compliance with the order issued April 26, 2012; and

4 3. If Plaintiff fails to file a complaint in compliance with this order, this action will be  
5 dismissed for failure to state a claim.

6 IT IS SO ORDERED.

7 **Dated: June 8, 2012**

/s/ **Barbara A. McAuliffe**  
UNITED STATES MAGISTRATE JUDGE

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28