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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AHKEEM WILLIAMS,
Plaintiff,
v.
KIM PEDRIERO, et al.,
Defendants.

Case No. 1:12-cv-00606-SKO PC
ORDER STRIKING PROPOSED AMENDED
COMPLAINT FOR FAILURE TO COMPLY
WITH ORDER OF OCTOBER 3, 2013, AND
DENYING DEFENDANTS' MOTION TO
STRIKE AS MOOT
(Docs. 66 and 75)

_____ /

Plaintiff Akheem Williams ("Plaintiff"), a former state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 17, 2012. This action is proceeding against Defendants Garcia, Valdez, Cortez, Silva, Castro, Day, Stepp, Collier, Torres, Delia, Jr., and Tordsen ("Defendants") for use of excessive physical force, in violation of the United States Constitution.

On October 3, 2013, the Court denied Plaintiff's timely motion for leave to file an amended complaint in light of his failure to include a proposed amended complaint. The Court granted Plaintiff thirty days within which to renew his motion to amend, accompanied by a proposed amended complaint. Fed. R. Civ. P. 7(b). Instead of complying with the order and renewing his motion, Plaintiff merely submitted a 153-page proposed amended complaint,

1 unaccompanied by a motion setting forth the grounds for the relief sought.¹ *Id.* Given the Court's
2 clear, simple directive set forth in the order of October 3, 2013, and given Plaintiff's decision to
3 confuse the record by submitting a proposed pleading that goes well beyond adding a claim for
4 relief and instead includes many pages of documents and argument regarding various discovery
5 disputes, the Court declines to overlook Plaintiff's failure to renew his motion, as directed.

6 Accordingly, Plaintiff's proposed amended complaint is HEREBY STRICKEN from the
7 record based on Plaintiff's failure to comply with the order filed on October 3, 2013. In light of
8 this order, Defendants' motion to strike the proposed amended complaint is DENIED as moot.²

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IT IS SO ORDERED.

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Dated: December 12, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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¹ In his motion to amend addressed by the Court on October 3, 2013, Plaintiff requested leave to amend to add a claim that between November 4, 2010, and November 9, 2010, he was deprived of in-cell toilet paper and water.

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² Defendants' motion to strike is based on Plaintiff's failure to file a motion to amend on or before the scheduling order deadline of September 12, 2013, suggesting Defendants inadvertently overlooked the October 3, 2013, order granting Plaintiff thirty days within which to renew his motion to amend.