

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
10

11 JAIME L. ZEPEDA, ) Case No.: 1:12-cv-01085 - LJO - JLT (PC)  
12 )  
13 Plaintiff, ) ORDER STRIKING THE FIRST AMENDED  
14 v. ) COMPLAINT FOR FAILURE TO COMPLY WITH  
15 T. PETERSON, et al. ) THE COURT'S ORDER  
16 ) (Doc. 16)  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

17 Plaintiff Jaime L. Zepeda ("Plaintiff") is a state civil detainee proceeding *pro se* and *in forma*  
18 *pauperis* with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed his original complaint  
19 on July 5, 2012. (Doc. 1). On January 18, 2013, the Court dismissed the original complaint and  
20 granted Plaintiff leave to amend. (Doc. 13).

21 The January 18, 2013 order, Plaintiff was advised that Fed. R. Civ. P. 8(a) requires him to  
22 provide a "short and plain statement of the claim showing that [he] is entitled to relief." (Doc. 13 at 2).  
23 He was explicitly ordered to limit his first amended complaint to not more than 20 pages, including  
24 any exhibits attached thereto. *Id.* at 18. Plaintiff was also advised that citation to legal authority was  
25 unnecessary in the complaint. *Id.* at 19.

26 Nevertheless, Plaintiff's first amended complaint (Doc. 16) is more than double the length  
27 permitted by the Court's January 18, 2013 order. (Doc. 13). Plaintiff submits a 45-page, first amended  
28

1 complaint. Id. The first amended complaint is replete with legal citations. His complaint need only  
2 state the who, what, when, why and how of his claims; he time for legal analysis and citation to  
3 authority has not arrived. While Plaintiff asserts claims against twenty defendants, his claims are  
4 neither complex nor unique and there is absolutely no reason why Plaintiff cannot comply with Rule 8.

5 **ORDER**

6 Accordingly, Plaintiff's first amended complaint (Doc. 16) is **STRICKEN**. He is granted 21  
7 days leave to file his Second Amended Complaint.

8 Plaintiff's Second Amended Complaint **SHALL NOT EXCEED 20 pages, including**  
9 **attached exhibits.**

10 **Failure to comply with this Order will result in a recommendation dismissing the action.**

11  
12 IT IS SO ORDERED.

13 Dated: **April 29, 2013**

**/s/ Jennifer L. Thurston**  
14 UNITED STATES MAGISTRATE JUDGE