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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY J. CAMPA,

Plaintiff,

v.

L.D. ZAMORA, et al.,

Defendants.

CASE NO. 1:12-cv-01897-AWI-MJS (PC)

ORDER DISMISSING COMPLAINT WITH
LEAVE TO AMEND

(ECF No. 1)

AMENDED COMPLAINT DUE WITHIN
THIRTY (30) DAYS

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SCREENING ORDER

I. PROCEDURAL HISTORY

On November 19, 2012, Plaintiff Anthony J. Campa, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) His Complaint is now before the Court for screening.

II. SCREENING REQUIREMENT

The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C.

1 § 1915A(a). The Court must dismiss a complaint or portion thereof if the prisoner has
2 raised claims that are legally “frivolous, malicious,” or that fail to state a claim upon which
3 relief may be granted, or that seek monetary relief from a defendant who is immune from
4 such relief. 28 U.S.C. § 1915A(b)(1),(2). “Notwithstanding any filing fee, or any portion
5 thereof, that may have been paid, the court shall dismiss the case at any time if the court
6 determines that . . . the action or appeal . . . fails to state a claim upon which relief may be
7 granted.” 28 U.S.C. § 1915(e)(2)(B)(ii).

9 Section 1983 “provides a cause of action for the ‘deprivation of any rights, privileges,
10 or immunities secured by the Constitution and laws’ of the United States.” Wilder v.
11 Virginia Hosp. Ass’n, 496 U.S. 498, 508 (1990) (quoting 42 U.S.C. § 1983). Section 1983
12 is not itself a source of substantive rights, but merely provides a method for vindicating
13 federal rights conferred elsewhere. Graham v. Connor, 490 U.S. 386, 393-94 (1989).

15 **III. SUMMARY OF COMPLAINT**

16 Plaintiff is incarcerated and is representing himself in this action. Under such
17 circumstances, the Court is quite tolerant of clerical errors, problems of form and other
18 non-substantive errors. However, here Plaintiff’s use of very small print, minimal spacing
19 between words, and failure to double space between sentences renders the Complaint
20 almost illegible.

22 Plaintiffs must submit “clearly legible” pleadings. Local Rule 130(b). This one is not.
23 Plaintiff will be given an opportunity to file an amended complaint that is legible.

24 The following sections of this order notify Plaintiff of the general legal standards
25 applicable to any future pleading.

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1 **A. Section 1983**

2 To state a claim under Section 1983, a plaintiff must allege two essential elements:

3 (1) that a right secured by the Constitution or laws of the United States was violated and

4 (2) that the alleged violation was committed by a person acting under the color of state law.

5 See West v. Atkins, 487 U.S. 42, 48 (1988); Ketchum v. Alameda Cnty., 811 F.2d 1243,
6 1245 (9th Cir. 1987).

7
8 A complaint must contain “a short and plain statement of the claim showing that the
9 pleader is entitled to relief” Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are
10 not required, but “[t]hreadbare recitals of the elements of a cause of action, supported by
11 mere conclusory statements, do not suffice.” Ashcroft v. Iqbal, 129 S.Ct. 1937, 1949
12 (2009) (citing Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)). Plaintiff must set
13 forth “sufficient factual matter, accepted as true, to ‘state a claim that is plausible on its
14 face.’” Id. Facial plausibility demands more than the mere possibility that a defendant
15 committed misconduct and, while factual allegations are accepted as true, legal
16 conclusions are not. Id. at 1949-50.

17
18 **B. Formatting**

19 Plaintiff’s complaint must contain “**a short and plain statement** of the claim
20 showing that [Plaintiff] is entitled to relief” Fed. R. Civ. P. 8(a)(2) (emphasis added).

21 “Each allegation must be **simple, concise, and direct.**” Fed. R. Civ. P. 8(d)(1) (emphasis
22 added). Local Rule 130(c) provides, in part, that “[d]ocuments shall be double-spaced
23 except for the identification of counsel, title of the action, category headings, footnotes,
24 quotations, exhibits and descriptions of real property.” In submitting an amended complaint
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1 in compliance with this order, Plaintiff must print legibly in a font size that is easily read and
2 leave sufficient space between words.

3 Plaintiff is to keep in mind that he need not prove his case at this point or even refer
4 to or identify evidence supporting it. His statements are taken as true at this stage of the
5 proceedings.
6

7 Plaintiff attached approximately one-hundred and fifty-six pages of exhibits to the
8 Compliant. Exhibits, while permissible if incorporated by reference, Fed. R. Civ. P. 10(c),
9 are not necessary in the federal system of notice pleading, Fed. R. Civ. P. 8(a). Exhibits
10 should not be submitted with the pleading where (1) they serve only to confuse the record
11 and burden the Court, or (2) they are intended as future evidence. If this action reachesthe
12 point at which the submission of evidence is appropriate and necessary (e.g., summary
13 judgment or trial), Plaintiff will have the opportunity to submit evidence. It is not only
14 unnecessary but counterproductive to submit excessive facts or exhibits at this stage. The
15 excess distracts the Court's attention from the core elements of the claim which **should**
16 **be capable of being expressed in one to five neatly typed or printed double-spaced**
17 **pages.**
18

19
20 **C. Defendants**

21 The Court also notes that Plaintiff has attributed numerous violations of his rights
22 to seventeen different Defendants. To raise multiple claims in a single lawsuit, the joinder
23 of the claims must be permitted by the Federal Rules of Civil Procedure. A basic lawsuit
24 is a single claim against a single defendant. Federal Rule of Civil Procedure 18(a) allows
25 a plaintiff to add multiple claims to the lawsuit when they are against the same defendant.
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1 **Federal Rule of Civil Procedure 20(a)(2) allows a plaintiff to join multiple defendants**
2 **to a lawsuit where the right to relief arises out of the same “transaction, occurrence,**
3 **or series of transactions” and “any question of law or fact common to all defendants**
4 **will arise in the action.” Unrelated claims against different defendants must be**
5 **brought in separate lawsuits.** See George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
6 (emphasis added). This rule is not only intended to avoid confusion that arises out of
7 bloated lawsuits, but also to ensure that prisoners pay the required filing fees for their
8 lawsuits and prevent prisoners from circumventing the three strikes rule under the Prison
9 Litigation Reform Act. 28 U.S.C. § 1915(g). Plaintiff is advised that if he opts to amend
10 and raises factually unrelated claims against different defendants in a single action, the
11 impermissibly joined claims will be severed and dismissed from this action.

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14 Plaintiff's amended complaint must clearly state **for each Defendant** 1) who that
15 Defendant is; 2) what that Defendant did; 3) what right that Defendant violated; and 4) how
16 that Defendant's actions violated that right. Defendants may not be sued collectively; each
17 Defendant is only liable for the injuries caused by his or her own actions. See Leer v.
18 Murphy, 844 F.2d 628, 633 (9th Cir. 1988) (“The inquiry into causation must be
19 individualized and focus on the duties and responsibilities of each individual defendant
20 whose acts or omissions are alleged to have caused a constitutional deprivation.”)

21 **V. CONCLUSION AND ORDER**

22
23 Plaintiff's Complaint does not state a claim for relief under section 1983. The Court
24 will grant Plaintiff an opportunity to file an amended complaint. Noll v. Carlson, 809 F.2d
25 1446, 1448-49 (9th Cir. 1987). If Plaintiff opts to amend, he must demonstrate that the
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1 alleged acts resulted in a deprivation of his constitutional rights. *Iqbal*, 129 S.Ct. at 1948-
2 49. Plaintiff must set forth “sufficient factual matter . . . to ‘state a claim that is plausible
3 on its face.’” *Id.* at 1949 (quoting *Twombly*, 550 U.S. at 555 (2007)). Plaintiff must also
4 demonstrate that each named Defendant personally participated in a deprivation of his
5 rights. *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002).

7 Plaintiff should note that although he has been given the opportunity to amend, it
8 is not for the purposes of adding new claims. *George v. Smith*, 507 F.3d 605, 607 (7th Cir.
9 2007). Plaintiff should carefully read this Screening Order and focus his efforts on curing
10 the deficiencies set forth above.

11 Finally, Plaintiff is advised that Local Rule 220 requires that an amended complaint
12 be complete in itself without reference to any prior pleading. As a general rule, an
13 amended complaint supersedes the original complaint. See *Loux v. Rhay*, 375 F.2d 55,
14 57 (9th Cir. 1967). Once an amended complaint is filed, the original complaint no longer
15 serves any function in the case. Therefore, in an amended complaint, as in an original
16 complaint, each claim and the involvement of each defendant must be sufficiently alleged.
17 The amended complaint should be clearly and boldly titled “First Amended Complaint,”
18 refer to the appropriate case number, and be an original signed under penalty of perjury.
19 Plaintiff’s amended complaint should be brief. Fed. R. Civ. P. 8(a). Although accepted as
20 true, the “[f]actual allegations must be [sufficient] to raise a right to relief above the
21 speculative level” *Twombly*, 550 U.S. at 555 (citations omitted).

24 Accordingly, it is HEREBY ORDERED that:

25 1. The Clerk’s Office shall send Plaintiff (1) a blank civil rights complaint form
26 and (2) a copy of his Complaint, filed November 19, 2012;
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