

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

7 **III. SUMMARY OF COMPLAINT**

8 Plaintiff is incarcerated and is representing himself in this action. In the Court’s
9 prior screening order, Plaintiff was advised that his use of very small print, minimal
10 spacing between words, and failure to double space between sentences rendered the
11 Complaint almost illegible. The same is true of Plaintiff’s First Amended Complaint.
12 While Plaintiff increased his spacing between sentences, the Court is still unable to
13 decipher Plaintiff’s allegations.

14 Plaintiff will be given **one more opportunity** to file an amended complaint that is
15 **legible**. Given Plaintiff’s extremely small print, it may be beneficial to Plaintiff to type his
16 amended complaint or have someone type or print it for him. The following sections of
17 this order notify Plaintiff of the general legal standards applicable to any future pleading.

18 **IV. ANALYSIS**

19 **A. Section 1983**

20 Section 1983 “provides a cause of action for the ‘deprivation of any rights,
21 privileges, or immunities secured by the Constitution and laws’ of the United States.”
22 *Wilder v. Virginia Hosp. Ass’n*, 496 U.S. 498, 508 (1990) (quoting 42 U.S.C. § 1983).
23 Section 1983 “‘is not itself a source of substantive rights,’ but merely provides ‘a method
24 for vindicating federal rights conferred elsewhere.’” *Graham v. Connor*, 490 U.S. 386,
25 393-94 (1989) (quoting *Baker v. McCollan*, 443 U.S. 137, 144, n. 3 (1979)).

26 To state a claim under Section 1983, a plaintiff must allege two essential
27 elements: (1) that a right secured by the Constitution and laws of the United States was
28 violated and (2) that the alleged violation was committed by a person acting under the

1 color of state law. See *West v. Atkins*, 487 U.S. 42, 48 (1988); see also *Ketchum v.*
2 *Cnty. of Alameda*, 811 F.2d 1243, 1245 (9th Cir. 1987).

3 **B. Formatting of the Complaint**

4 A complaint must contain “a short and plain statement of the claim showing that
5 the pleader is entitled to relief” Fed. R. Civ. P. 8(a)(2). Detailed factual allegations
6 are not required, but “[t]hreadbare recitals of the elements of a cause of action,
7 supported by mere conclusory statements, do not suffice.” *Ashcroft v. Iqbal*, 556 U.S.
8 662, 678 (2009) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). Plaintiff
9 must set forth “sufficient factual matter, accepted as true, to ‘state a claim to relief that is
10 plausible on its face.’” *Id.* Facial plausibility demands more than the mere possibility
11 that a defendant committed misconduct and, while factual allegations are accepted as
12 true, legal conclusions are not. *Id.*

13 Local Rule 130(c) provides that “[d]ocuments shall be double-spaced except for
14 the identification of counsel, title of the action, category headings, footnotes, quotations,
15 exhibits and descriptions of real property.” In submitting an amended complaint in
16 compliance with this order, Plaintiff must print legibly in a font size that is easily read and
17 leave sufficient space between words. As stated above, in order to ensure the legibility
18 of Plaintiff’s complaint, it is recommended that he type it.

19 **C. Potential Unrelated Claims**

20 It appears that Plaintiff has attributed numerous violations of his rights to
21 seventeen different Defendants. Federal Rule of Civil Procedure 18(a) allows a party to
22 “join, as independent or alternative claims, as many claims as it has against an opposing
23 party.” However, Rule 20(a)(2) permits a plaintiff to sue multiple defendants in the same
24 action only if “any right to relief is asserted against them jointly, severally, or in the
25 alternative with respect to or arising out of the same transaction, occurrence, or series of
26 transactions or occurrences,” and there is a “question of law or fact common to all
27 defendants.” “Thus multiple claims against a single party are fine, but Claim A against
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1 Defendant 1 should not be joined with unrelated Claim B against Defendant 2. Unrelated
2 claims against different defendants belong in different suits . . .” *George v. Smith*, 507
3 F.3d 605, 607 (7th Cir. 2007) (*citing* 28 U.S.C. § 1915(g)).

4 Plaintiff is again advised that if he opts to amend and raises factually unrelated
5 claims against different Defendants in a single action, the impermissibly joined claims
6 will be severed and dismissed from this action. Plaintiff's Second Amended Complaint
7 must clearly state for each Defendant: 1) who that Defendant is; 2) what that Defendant
8 did; 3) what right that Defendant violated; and 4) how that Defendant's actions violated
9 that right. Defendants may not be sued collectively; each Defendant is only liable for the
10 injuries caused by his or her own actions. *See Leer v. Murphy*, 844 F.2d 628, 633 (9th
11 Cir. 1988) (“The inquiry into causation must be individualized and focus on the duties
12 and responsibilities of each individual defendant whose acts or omissions are alleged to
13 have caused a constitutional deprivation.”).

14 **V. CONCLUSION AND ORDER**

15 It is unclear whether Plaintiff's First Amended Complaint states a claim for relief
16 given its illegibility. The Court will grant Plaintiff an opportunity to file an amended
17 complaint. *Noll v. Carlson*, 809 F.2d 1446, 1448-49 (9th Cir. 1987). Plaintiff should note
18 that although he has been given the opportunity to amend, it is not for the purposes of
19 adding new claims. *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). Plaintiff should
20 carefully read this Screening Order and focus his efforts on curing the deficiencies set
21 forth above.

22 Finally, Plaintiff is advised that Local Rule 220 requires that an amended
23 complaint be complete in itself without reference to any prior pleading. As a general
24 rule, an “amended complaint supersedes the original” complaint. *See Loux v. Rhay*, 375
25 F.2d 55, 57 (9th Cir. 1967). Therefore, in an amended complaint, as in an original
26 complaint, each claim and the involvement of each defendant must be sufficiently
27 alleged. Here, the amended complaint should be clearly and boldly titled “Second
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1 Amended Complaint,” refer to the appropriate case number, and be an original signed
2 under penalty of perjury. Plaintiff's amended complaint should be brief. Fed. R. Civ. P.
3 8(a). Although accepted as true, the “[f]actual allegations must be [sufficient] to raise a
4 right to relief above the speculative level” *Twombly*, 550 U.S. at 555 (citations
5 omitted).

6 Accordingly, it is HEREBY ORDERED that:

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- 8 1. Plaintiff's First Amended Complaint (ECF No. 17.) is DISMISSED;
 - 9 2. The Clerk's Office shall send Plaintiff (1) a blank civil rights amended
10 complaint form and (2) a copy of his signed First Amended Complaint filed
11 September 30, 2013;
 - 12 3. Plaintiff shall file an amended complaint within thirty (30) days from service
13 of this Order; and
 - 14 4. If Plaintiff fails to file an amended complaint in compliance with this order,
15 the Court will dismiss this action, with prejudice, for failure to state a claim,
16 failure to comply with a court order, and failure to prosecute, subject to the
17 “three strikes” provision set forth in 28 U.S.C. § 1915(g). *Silva v. Di*
18 *Vittorio*, 658 F.3d 1090, 1098 (9th Cir. 2011).

19 IT IS SO ORDERED.

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21 Dated: March 4, 2015

/s/ Michael J. Seng
22 UNITED STATES MAGISTRATE JUDGE
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