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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

HAROLD JENKINS,

Plaintiff,

v.

R. DAVIS, et al.,

Defendants.

Case No. 1:13-cv-00038-LJO-SKO PC

ORDER STRIKING AMENDED  
COMPLAINT FOR FAILURE TO COMPLY  
WITH SCREENING ORDER, DENYING  
MOTION FOR PRELIMINARY  
INJUNCTION, AND REQUIRING  
PLAINTIFF TO FILE AMENDED  
COMPLAINT WITHIN THIRTY DAYS

(Docs. 14 and 15)

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Plaintiff Harold Jenkins, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 10, 2013. On October 15, 2013, the Court screened Plaintiff’s complaint and dismissed it with leave to amend. 28 U.S.C. § 1915A. On October 25, 2013, Plaintiff filed an amended complaint and a motion seeking a preliminary injunction.

This action arises from the deprivation of Plaintiff’s property while he was incarcerated at California State Prison-Corcoran in 2011. Plaintiff, who is now incarcerated at Valley State Prison (“VSP”), was provided with the applicable legal standards and he was informed that he may not change the nature of this suit by adding new, unrelated claims in his amended complaint. Despite this admonition, Plaintiff’s amended complaint sets forth his property claims and also sets forth new, unrelated claims arising out of conditions of confinement at VSP.

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1 Plaintiff's amended complaint violates the screening order. Plaintiff must confine his  
2 amended complaint to those claims at issue in his original complaint and addressed in the  
3 screening order. Plaintiff may not pursue his new, unrelated claims in this action, and if he seeks  
4 to litigate his conditions of confinement at VSP, he is required to file a separate lawsuit. Fed. R.  
5 Civ. P. 18(a), 20(a)(2); *Owens v. Hinsley*, 635 F.3d 950, 952 (7th Cir. 2011); *George v. Smith*, 507  
6 F.3d 605, 607 (7th Cir. 2007). **Plaintiff will be provided with one more opportunity to file an  
7 amended complaint in compliance with the screening order. If he fails to do so, this action  
8 will be dismissed for failure to obey a court order.**

9 Accordingly, it is HEREBY ORDERED that:

10 1. Plaintiff's amended complaint, filed on October 25, 2013, is STRICKEN from the  
11 record for failure to comply with the screening order;

12 2. Plaintiff's motion for a preliminary injunction remedying conditions of  
13 confinement at VSP, filed on October 25, 2013, is DENIED for lack of jurisdiction;<sup>1</sup>

14 3. The Clerk's Office shall send Plaintiff a complaint form;

15 4. Plaintiff shall file an amended complaint in compliance with the screening order  
16 within **thirty (30) days** from the date of service of this order; and

17 5. **The failure to comply with the terms of this order will result in dismissal of  
18 this action.**

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21 IT IS SO ORDERED.

22 Dated: October 28, 2013

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

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28 <sup>1</sup> *Summers v. Earth Island Institute*, 555 U.S. 488, 493, 129 S.Ct. 1142, 1149 (2009); *Lujan v. Defenders of Wildlife*,  
504 U.S. 555, 559-61, 112 S.Ct. 2130 (1992); *Mayfield v. United States*, 599 F.3d 964, 969 (9th Cir. 2010).