

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TONY EDWARD POWELL,

Plaintiff,

vs.

MADDEN, *et al.*,

Defendants.

Case No. 1:13-cv-00057-RRB

ORDER DENYING
MOTION AT DOCKET 64

At **Docket 64** Plaintiff Tony Edward Powell, a federal prisoner appearing *pro se*, filed a document entitled Petition to Amend Complaint, on [*sic*] the Alternative Petition to Show Cause as to How to Present a Claim. It is not entirely clear from the document exactly what relief Powell requests. While this Court must liberally construe papers filed by *pro se* parties, *pro se* parties must none-the-less follow the applicable rules of practice and procedure.¹

To the extent that Powell seeks to amend his complaint he does not state how or to what extent he seeks to amend the complaint, i.e., what party(ies) or additional cause(s) of action he seeks to add. If Powell wishes to amend his complaint he must file the appropriate motion for leave with a copy of the proposed amended complaint appended

¹ *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987) (“Pro se litigants must follow the same rules of procedure that govern other litigants.”) (overruled in part on other grounds by *Lacey v. Maricopa County*, 693 F.3d 896 (9th Cir. 2012) (en banc)).

to the motion.² Powell is reminded that, in addition to any other provision applicable to amending a complaint, any amended complaint he may seek leave to file will be subjected to the same screening requirements as was his initial complaint.

To the extent Powell seeks to establish certain factual matters as established as a matter of law, Powell should file a motion for partial summary judgment complying with the applicable rules.³

Accordingly, the Petition to Amend Complaint, on [*sic*] Alternative Petition to Show Cause as to How a Claim is Presented at **Docket 64** is **DENIED**, without prejudice to presenting the matters to the Court in accordance with the appropriate procedures.

IT IS SO ORDERED this 8th day of August, 2014.

S/ RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE

² See Fed. R. Civ. P. 15; L.R. 137(c).

³ See Fed. R. Civ. P. 56; L.R. 260.