

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

OBIE CRISP,

Plaintiff,

VS.

WASCO STATE PRISON, et al.,

Defendants.

1:13-cv-00816-GSA-PC

ORDER INFORMING PLAINTIFF HE
HAS LEAVE TO AMEND THE
COMPLAINT ONCE AS A MATTER OF
COURSE
(Doc. 6 resolved)

**THIRTY DAY DEADLINE TO FILE
FIRST AMENDED COMPLAINT**

**ORDER FOR CLERK TO SEND
COMPLAINT FORM TO PLAINTIFF**

Obie Crisp ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on May 30, 2013. Now pending is Plaintiff's motion to amend the complaint, filed on July 10, 2013. (Doc. 6.)

Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served. Otherwise, a party may amend only by leave of the court or by written consent of the adverse party, and leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). Because Plaintiff has not amended the complaint, and no responsive pleading has been served in this action, Plaintiff has leave to file an amended complaint as a matter of course.

Plaintiff is informed he must demonstrate in his amended complaint how the conditions complained of have resulted in a deprivation of Plaintiff's constitutional rights. See Ellis v.

1 Cassidy, 625 F.2d 227 (9th Cir. 1980). The amended complaint must allege in specific terms
2 how each named defendant is involved. There can be no liability under 42 U.S.C. § 1983
3 unless there is some affirmative link or connection between a defendant's actions and the
4 claimed deprivation. Rizzo v. Goode, 423 U.S. 362 (1976); May v. Enomoto, 633 F.2d 164,
5 167 (9th Cir. 1980); Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978).

6 Plaintiff should note that although he has the opportunity to amend, it is not for the
7 purpose of adding new defendants relating to issues arising after May 30, 2013. In addition,
8 Plaintiff should take care to include only those claims that have been exhausted prior to the
9 initiation of this suit on May 30, 2013. Further, Plaintiff may not change the nature of this suit
10 by adding new, unrelated claims in his amended complaint. George v. Smith, 507 F.3d 605,
11 607 (7th Cir. 2007) (no "buckshot" complaints).

12 Finally, Plaintiff is advised that an amended complaint supercedes the original
13 complaint, Lacey v. Maricopa County, 693 F 3d. 896, 907 n.1 (9th Cir. 2012) (en banc), and it
14 must be complete in itself without reference to the prior or superceded pleading. Local Rule
15 220. Therefore, in an amended complaint, as in an original complaint, each claim and the
16 involvement of each defendant must be sufficiently alleged. The First Amended Complaint
17 should be clearly and boldly titled "First Amended Complaint," refer to the appropriate case
18 number, and be an original signed under penalty of perjury.

19 Accordingly, it is HEREBY ORDERED that:

20 1. Plaintiff is informed that he has leave to amend the complaint once as a matter
21 of course;

22 2. This order resolves Plaintiff's motion to amend the complaint, filed on July 10,
23 2013;

24 3. Within thirty (30) days from the date of service of this order, Plaintiff shall file a
25 First Amended Complaint using the court's form;

26 4. The First Amended Complaint should be clearly and boldly titled "First
27 Amended Complaint," refer to case number 1:13-cv-00816-GSA-PC, and be an
28 original signed under penalty of perjury;

5. The Clerk of the Court shall send one civil rights complaint form to Plaintiff; and
6. Plaintiff is warned that the failure to comply with this order will result in the dismissal of this action for failure to obey a court order.

IT IS SO ORDERED.

Dated: July 11, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE