UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

KEVIN MICHAEL LONG,) Case No.: 1:13-cv-01228-JLT (PC)
Plaintiff,) ORDER DENYING PLAINTIFF'S SECOND) MOTION TO AMEND THE COMPLAINT
v. UNITED STATES OF AMERICA, et al.,) (Doc. 16)
Defendant.))

Plaintiff, Kevin Michael Long, is a state prisoner proceeding *pro se* in a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. (Doc. 1.) Plaintiff initiated this matter on August 7, 2013 and consented to the jurisdiction of U.S. Magistrate Judge. (*Id.* at 5; Doc. 6.) As required by 28 U.S.C. § 1915A, the Court previously screened the Complaint and dismissed the action without leave to amend as frivolous and closed the case -- which Plaintiff appealed. (Docs. 4, 7.) The Ninth Circuit ordered that decision vacated and, noting a substantial question regarding Plaintiff's competency to proceed *pro se*, remanded for further proceedings consistent with *Krain v. Smallwood*, 880 F.2d 1119, 1121 (9th Cir. 1989). (Doc. 11.) This action was reopened on December 16, 2013.

On January 8, 2014, Plaintiff filed a document entitled "Motion to File Amended Complaint in C/O Arnold Swarrzznneggerrs [sic] Union Governorship [sic] of California" (Doc. 12) which was construed as a motion to amend the Complaint and denied on January 16, 2014 (Doc. 13). On that same date, Plaintiff's second motion to amend the Complaint was entered on the docket, though

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received the day before. (Doc. 16.) This second motion to amend the Complaint is likewise denied for the same reasons.

"Rule 15(a) is very liberal and leave to amend 'shall be freely given when justice so requires." *AmericsourceBerquen Corp. v. Dialysist West, Inc.*, 465 F.3d 946, 951 (9th Cir. 2006); *ref Bowles v. Reade*, 198 F.3d 752, 757 (9th Cir.1999). "But a district court need not grant leave to amend where the amendment: (1) prejudices the opposing party; (2) is sought in bad faith; (3) produces an undue delay in litigation; or (4) is futile." *Id. ref Bowles*, at 758; *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1387 (9th Cir.1990). The latter of these exceptions is applicable in this case.

As noted in the first screening order in this case, Plaintiff's allegations in this action are frivolous, fanciful, and incoherent. His second motion to amend the Complaint is no different. The caption on Plaintiff's motion is "*Arnold Swarreenegger my Power of Attorney Holder *Kevin Michael Long 1st King of Israel, Last, fs. USA et al." Plaintiff entitled his motion, "MOTION TO AMEND COMPLAINT FOR REVOLUTION 1-1-2014 WITH CATIE CONDITT GOVERNORS OFFICE OF CALIFORNIA SECRETARY UNION WITH MYSELF AND ARNOLD SWARRZZNEGGGRS OUR CHURCH STATE FAMILY FRIENDS UNIT . . OF USA GOVERNORSHIP WWW.ARM.GOV POLITICAL SOCIAL NETWORKING WORLD WIDE ASSISTANCE OF "RECON CONCEPTIONS" BUSINESS PLANNERS OF AMERICA MY OWN BUSINESS OWNERSHIP" which he concluded by marking an "X" and signing on a line. The first several lines in this motion state, "1-7-2014 AMEND TO CASE # 5214780 IN CALIFORNIA SUPREME COURT IN CENNECTION WITH CASE # 9TH CIRCUIT 13-16720 ORIGINATING CASE # 1:13-CV-01228-JLT KEVIN LONG VS USA ET AL. I ALSO SUPEONA USA. SUPREME COURT JUDGES FROM WASHINGTON D.C. U.S. DEPARTMENT OF JUSTICE LAWYERS UNION PERSONEL DIVISIONS RIGHT NOW TO CALIFORNIA SUPREME COURT SAYUKE NUKE DUKEVER. HA HA SAIS ARNOLD SWARRZ THE NEGGERS UNION WITH ME BODY BUILDER MOVIE SUPERSTAR PERSONNEL ALL AROUND THE WORLD. HALELUJAH TO US. GODS ASSEMPLY IN HONOR OF CHINA RETORATION OF CITIZENSHIP IN AMERICA

¹ This is a verbatim quote of the caption. The misspellings, underlining, internal quotation marks, and use of ellipses are Plaintiff's.

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2	STATE I ARREATED LEGALLY 2012 FOR TODAYS UNITY MISSION STATEMENT OF
3	STATE EXPO PROPERTIES SACRAMENTO OF WHICH ARNOLD AND I MY FATHER GOD
4	IN HEAVEN IS LORD." ² Plaintiff's second motion to amend the Complaint is as incomprehensible
5	as his first and also contains neither any discussion of why amendment should be allowed, nor promise
6	of coherence in an amended complaint if his motion were granted. Justice does not require granting
7	leave to amend in this case as to do so would be futile.
8	Accordingly, Plaintiff's second motion to amend the Complaint, filed on January 15, 2014
9	(Doc. 16), is HEREBY DENIED.
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11	IT IS SO ORDERED.
12	Dated: March 18, 2014 /s/ Jennifer L. Thurston
13	UNITED STATES MAGISTRATE JUDGE
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²⁸ No effort has been made to identify errors in the sentence structure and spelling as to do so is nearly impossible given its rambling nature.