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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

WILLIAM TRAVIS,

Plaintiff,

v.

G. SANDOR, et al.,

Defendants.

Case No. 1:14-cv-00074-SKO (PC)

FIRST SCREENING ORDER DISMISSING  
COMPLAINT, WITH LEAVE TO AMEND,  
FOR FAILURE TO STATE A CLAIM AND  
FAILURE TO COMPLY WITH RULE 8

(Doc. 1)

THIRTY-DAY DEADLINE

**First Screening Order**

**I. Screening Requirement and Standard**

Plaintiff William Travis, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 17, 2014.

The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or an officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2). “Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that . . . the action or appeal . . . fails to state a claim upon which relief may be granted.” 28 U.S.C. § 1915(e)(2)(B)(ii).

1 A complaint must contain “a short and plain statement of the claim showing that the  
2 pleader is entitled to relief. . . .” Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not  
3 required, but “[t]hreadbare recitals of the elements of a cause of action, supported by mere  
4 conclusory statements, do not suffice,” *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937  
5 (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 127 S.Ct. 1955 (2007)), and  
6 courts “are not required to indulge unwarranted inferences,” *Doe I v. Wal-Mart Stores, Inc.*, 572  
7 F.3d 677, 681 (9th Cir. 2009) (internal quotation marks and citation omitted). While factual  
8 allegations are accepted as true, legal conclusions are not. *Iqbal*, 556 U.S. at 678.

9 Under section 1983, Plaintiff must demonstrate that each defendant personally participated  
10 in the deprivation of his rights. *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002). This  
11 requires the presentation of factual allegations sufficient to state a plausible claim for relief. *Iqbal*,  
12 556 U.S. at 678-79; *Moss v. U.S. Secret Service*, 572 F.3d 962, 969 (9th Cir. 2009). Prisoners  
13 proceeding pro se in civil rights actions are entitled to have their pleadings liberally construed and  
14 to have any doubt resolved in their favor, *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)  
15 (citations omitted), but nevertheless, the mere possibility of misconduct falls short of meeting the  
16 plausibility standard, *Iqbal*, 556 U.S. at 678; *Moss*, 572 F.3d at 969.

## 17 **II. Discussion**

18 Plaintiff, who is currently incarcerated at California State Prison-Corcoran (“CSP-  
19 Corcoran”), brings this action against multiple staff members at CSP-Corcoran and at California  
20 Substance Abuse Treatment Facility and State Prison-Corcoran. Plaintiff’s complaint, which is in  
21 the form of a narrative that fails to delineate any specific claims against any individual defendants,  
22 violates Rule 8, Rule 18, and Rule 20, as discussed below.

23 First, Plaintiff’s complaint must contain “a short and plain statement of the claim showing  
24 that the pleader is entitled to relief. . . .” Fed. R. Civ. P. 8(a)(2). It is Plaintiff’s responsibility to  
25 identify his claims for relief. The Court has no duty to wade through approximately sixteen pages  
26 of pure narrative and distill from the barrage of facts Plaintiff’s legal claims.

27 Second, section 1983 provides a cause of action for the violation of Plaintiff’s  
28 constitutional or other federal rights by persons acting under color of state law. *Nurre v.*

1 *Whitehead*, 580 F.3d 1087, 1092 (9th Cir 2009); *Long v. County of Los Angeles*, 442 F.3d 1178,  
2 1185 (9th Cir. 2006); *Jones*, 297 F.3d at 934. To state a claim, Plaintiff must demonstrate a link  
3 between actions or omissions of each named defendant and the violation of his rights; there is no  
4 *respondeat superior*, or vicarious, liability under section 1983. *Iqbal*, 556 U.S. at 676-77, 129  
5 S.Ct. at 1949; *Lemire v. California Dep't of Corr. and Rehab.*, 726 F.3d 1062, 1074-75 (9th Cir.  
6 2013); *Simmons v. Navajo County, Ariz.*, 609 F.3d 1011, 1020-21 (9th Cir. 2010). Again, it is not  
7 the Court's duty to sift through Plaintiff's voluminous narrative and attempt to determine what  
8 legal claims Plaintiff is pursuing against which individual staff members.

9 Finally, Plaintiff is suing employees at two different prisons, a circumstance which almost  
10 certainly violates federal joinder rules. Plaintiff is not entitled to pursue a "kitchen sink"  
11 complaint, in which he lists every wrong purportedly committed against him by every staff  
12 member he encountered. Rather, Plaintiff is required to make a reasoned determination regarding  
13 the federal claims at issue in this action.

14 Specifically, Plaintiff may not bring unrelated claims against unrelated parties in a single  
15 action. Fed. R. Civ. P. 18(a), 20(a)(2); *Owens v. Hinsley*, 635 F.3d 950, 952 (7th Cir. 2011);  
16 *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). As an initial matter, Plaintiff may bring a  
17 claim against multiple defendants so long as (1) the claim arises out of the same transaction or  
18 occurrence, or series of transactions and occurrences, and (2) there are common questions of law  
19 or fact. Fed. R. Civ. P. 20(a)(2); *Coughlin v. Rogers*, 130 F.3d 1348, 1351 (9th Cir. 1997); *Desert*  
20 *Empire Bank v. Insurance Co. of North America*, 623 F.3d 1371, 1375 (9th Cir. 1980). Only if the  
21 defendants are properly joined under Rule 20(a) will the Court review the other claims to  
22 determine if they may be joined under Rule 18(a), which permits the joinder of multiple claims  
23 against the same party.

### 24 **III. Conclusion and Order**

25 Plaintiff's complaint fails to state a claim upon which relief may be granted under section  
26 1983 and it fails to comply with Rule 8. In light of the uncertainty of the claims Plaintiff is  
27 attempting to pursue, the Court will provide Plaintiff with an opportunity to file an amended  
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1 complaint. *Akhtar v. Mesa*, 698 F.3d 1202, 1212-13 (9th Cir. 2012); *Lopez v. Smith*, 203 F.3d  
2 1122, 1130 (9th Cir. 2000).

3 Plaintiff's amended complaint should be brief, Fed. R. Civ. P. 8(a), but it must state what  
4 each named defendant did that led to the deprivation of Plaintiff's federal rights and liability may  
5 not be imposed on supervisory personnel under the theory of mere *respondeat superior*, *Iqbal*, 556  
6 U.S. at 676-77; *Starr v. Baca*, 652 F.3d 1202, 1205-07 (9th Cir. 2011), *cert. denied*, 132 S.Ct.  
7 2101 (2012). Although accepted as true, the "[f]actual allegations must be [sufficient] to raise a  
8 right to relief above the speculative level. . . ." *Twombly*, 550 U.S. at 555 (citations omitted).

9 Finally, an amended complaint supercedes the original complaint, *Lacey v. Maricopa*  
10 *County*, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc), and it must be "complete in itself without  
11 reference to the prior or superceded pleading," Local Rule 220.

12 Accordingly, it is HEREBY ORDERED that:

- 13 1. Plaintiff's complaint is dismissed, with leave to amend, for failure to state a claim  
14 and for failure to comply with Rule 8;
- 15 2. The Clerk's Office shall send Plaintiff a civil rights complaint form;
- 16 3. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file an  
17 amended complaint; and
- 18 4. If Plaintiff fails to file an amended complaint in compliance with this order, this  
19 action will be dismissed for failure to state a claim.

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22 IT IS SO ORDERED.

23 Dated: July 8, 2014

23 /s/ Sheila K. Oberto  
24 UNITED STATES MAGISTRATE JUDGE

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