

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ARCHIE CRANFORD,  
Plaintiff,  
vs.  
AUDREY KING, et al.,  
Defendants.

1:15-cv-00024 AWI GSA

ORDER DISMISSING COMPLAINT AND  
GRANTING PLAINTIFF LEAVE TO FILE  
AN AMENDED COMPLAINT

AMENDED COMPLAINT DUE  
IN THIRTY DAYS

**I. Screening Requirement**

Plaintiff is a civil detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or 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

1 paid, the court shall dismiss the case at any time if the court determines that . . . the action or  
2 appeal . . . fails to state a claim upon which relief may be granted.” 28 U.S.C. §  
3 1915(e)(2)(B)(ii).

4 “Rule 8(a)’s simplified pleading standard applies to all civil actions, with limited  
5 exceptions,” none of which applies to section 1983 actions. Swierkewicz v. Sorema N.A., 534  
6 U.S. 506, 512 (2002); Fed. R. Civ. P. 8(a). Pursuant to Rule 8(a), a complaint must contain “a  
7 short and plain statement of the claim showing that the pleader is entitled to relief . . .” Fed.  
8 R.Civ. P. 8(a). “Such a statement must simply give the defendant fair notice of what the  
9 plaintiff’s claim is and the grounds upon which it rests.” Swierkewicz, 534 U.S. at 512.  
10 However, “the liberal pleading standard . . . applies only to a plaintiff’s factual allegations.”  
11 Nietze v. Williams, 490 U.S. 319, 330 n. 9 (1989). “[A] liberal interpretation of a civil rights  
12 complaint may not supply essential elements of the claim that were not initially pled.” Bruns v.  
13 Nat’l Credit Union Admin., 122 F.3d 1251, 1257 (9<sup>th</sup> Cir. 1997)(quoting Ivey v. Bd. of Regents,  
14 673 F.2d 266, 268 (9<sup>th</sup> Cir. 1982)).

15 **II. Plaintiff’s Claims**

16 Plaintiff, a civil detainee housed at Coalinga State Hospital, brings this action against  
17 defendants Audrey King, Coalinga State Hospital Executive Director, Program Director K.  
18 Reed, and C. Allenby, former Executive Director.

19 Plaintiff’s complaint consists of 4 pages of rambling narrative, interspersed with copies  
20 of documents from the California Office of Patient’s Rights regarding a complaint Plaintiff had  
21 regarding his being denied meals for not presenting the proper identification. Plaintiff’s  
22 allegations refer to a variety of conditions of his confinement, and appear to be complaints  
23 about his conditions in general. Plaintiff fails to refer to the conduct of any specific individual  
24 and does not refer to any specific timeline. Because Plaintiff has failed to charge any specific  
25 defendant with any specific conduct, the complaint must be dismissed.

26 Further, Plaintiff is advised that Government officials may not be held liable for the  
27 actions of their subordinates under a theory of respondeat superior. Ashcroft v. Iqbal, 556 U.S.  
28 662, 673 (2009). Since a government official cannot be held liable under a theory of vicarious

1 liability for section 1983 actions, Plaintiff must plead that the official has violated the  
2 Constitution through his own individual actions. Id. at 673. In other words, to state a claim for  
3 relief under section 1983, Plaintiff must link each named defendant with some affirmative act  
4 or omission that demonstrates a violation of Plaintiff’s federal rights. Plaintiff has failed to do  
5 so here. The complaint must therefore be dismissed. Plaintiff will, however, be granted leave  
6 to file an amended complaint.

7 Plaintiff need not, however, set forth legal arguments in support of his claims. In order  
8 to hold an individual defendant liable, Plaintiff must name the individual defendant, describe  
9 where that defendant is employed and in what capacity, and explain how that defendant acted  
10 under color of state law. Plaintiff should state clearly, in his own words, what happened.  
11 Plaintiff must describe what each defendant, *by name*, did to violate the particular right  
12 described by Plaintiff.

### 13 **III. Conclusion**

14 The Court has screened Plaintiff’s complaint and finds that it does not state any claims  
15 upon which relief may be granted under section 1983. The Court will provide Plaintiff with the  
16 opportunity to file an amended complaint curing the deficiencies identified by the Court in this  
17 order. Noll v. Carlson, 809 F.2d 1446, 1448-49 (9<sup>th</sup> Cir. 1987). Plaintiff is cautioned that he  
18 may not change the nature of this suit by adding new, unrelated claims in his amended  
19 complaint.

20 Plaintiff’s amended complaint should be brief, Fed. R. Civ. P. 8(a), but must state what  
21 each named defendant did that led to the deprivation of Plaintiff’s constitutional or other  
22 federal rights, Hydrick, 500 F.3d at 987-88. Although accepted as true, the “[f]actual  
23 allegations must be [sufficient] to raise a right to relief above the speculative level . . . .” Bell  
24 Atlantic v. Twombly, 550 U.S. 544, 554 (2007)(citations omitted).

25 Finally, Plaintiff is advised that an amended complaint supersedes the original  
26 complaint, Forsyth v. Humana, Inc., 114 F.3d 1467, 1474 (9<sup>th</sup> Cir. 1997); King v. Atiyeh, 814  
27 F.2d 565, 567 (9<sup>th</sup> Cir. 1987), and must be “complete and in and of itself without reference to  
28 the prior or superseded pleading.” Local Rule 15-220. Plaintiff is warned that “[a]ll causes of

1 action alleged in an original complaint which are not alleged in an amended complaint are  
2 waived.” King, 814 F.2d at 567 (citing to London v. Coopers & Lybrand, 644 F.2d 811, 814  
3 (9<sup>th</sup> Cir. 1981)).

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff’s complaint is dismissed, with leave to amend, for failure to state a  
6 claim;

7 2. The Clerk’s Office shall send to Plaintiff a complaint form;

8 3. Within **thirty** days from the date of service of this order, Plaintiff shall file an  
9 amended complaint;

10 4. Plaintiff may not add any new, unrelated claims to this action via his amended  
11 complaint and any attempt to do so will result in an order striking the amended complaint; and

12 5. If Plaintiff fails to file an amended complaint, the Court will recommend that  
13 this action be dismissed, with prejudice, for failure to state a claim.

14 IT IS SO ORDERED.

15 Dated: May 27, 2015

16 /s/ Gary S. Austin  
17 UNITED STATES MAGISTRATE JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28