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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NICHOLAS PATRICK,

Plaintiff,

v.

REYNAGA, et al.,

Defendants.

Case No. 1:16-cv-00239-LJO-MJS (PC)

**ORDER GRANTING MOTION FOR
EXTENSION OF TIME TO FILE AN
AMENDED COMPLAINT**

(ECF NO. 32.)

**ORDER GRANTING REQUEST FOR
COPIES**

(ECF NO. 35.)

**ORDER DENYING REQUESTS FOR
MISCELLANEOUS RELIEF**

(ECF NOS. 32, 33, 35.)

**CLERK TO SEND COPY OF THIS
ORDER TO LITIGATION
COORDINATOR AT PLAINTIFF'S
INSTITUTION**

**CLERK TO SEND PLAINTIFF COPIES
OF ECF NOS. 12, 26, 35**

**THIRTY (30) DAY DEADLINE TO FILE
AMENDED COMPLAINT**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. A variety of matters are presently pending before the Court.

1 First, the Court dismissed Plaintiff's complaint for failure to state a claim, but
2 gave leave to amend. (ECF No. 12.) Plaintiff filed a first amended complaint. (ECF No.
3 14.) Before that complaint was screened, Plaintiff also lodged various additional
4 iterations of his amended complaint (ECF Nos. 20, 25), and sought further leave to
5 amend (ECF Nos. 22, 24.) On November 21, 2016, the Court dismissed the first
6 amended complaint, granted Plaintiff leave to amend, and ordered Plaintiff to file an
7 amended complaint within thirty days. (ECF No. 26.) Plaintiff sought and was granted
8 an extension of time to file. (ECF Nos. 27, 29.) His second amended complaint
9 presently is outstanding.

10 Second, on June 29, 2016, Plaintiff filed a motion for injunctive relief. (ECF No.
11 15.) On January 17, 2017, the Court issued findings and a recommendation to deny the
12 motion. (ECF No. 30.) Plaintiff was ordered to file objections, if any he had, within
13 fourteen days. To date, no objections have been filed.

14 Presently before the Court are the following motions from Plaintiff: a February 6,
15 2017 motion for extension of time (ECF No. 32); a February 9, 2017 motion for "Current
16 Situation Statement" and "Extended Leave to Amend" (ECF No. 33); and a February 27,
17 2017 motion for "case status," "property advisement," and "copy of complaint" (ECF No.
18 35).

19 The first of these motions is docketed as a motion for extension of time to file
20 objections to the findings and recommendations. The motion, however, requests only an
21 extension of time to file an amended complaint. It is based primarily on Plaintiff's recent
22 transfer to a different institution. (ECF No. 32.)

23 The second motion reiterates Plaintiff's request for an extension of time. He also
24 provides a list of factual allegations relating in some detail his current conditions of
25 confinement. He asks that these conditions be investigated and that the individuals
26 involved be subject to polygraph examinations. (ECF No. 33.)

27 The third motion again provides a detailed list of factual allegations, asks for an
28 update of the case status, asks to "join all parties and all claims together," asks for a

1 “property alert” requiring the Warden to transfer his property to his current institution,
2 and requests a copy of “this” complaint, apparently referencing the motions itself. (ECF
3 No. 35.)

4 Plaintiff’s transfer to a different institution and his lack of legal property constitute
5 good cause for an extension of time. The Court will grant Plaintiff thirty days from the
6 date of this order to file his amended complaint.

7 Plaintiff is advised that the Court will not consider piecemeal allegations
8 presented through a series of motions. Plaintiff has, on several occasions, attempted to
9 expand the scope of this litigation by filing motions and purported amendments seeking
10 to add additional claims and defendants. Plaintiff must instead file an amended
11 complaint that is complete in itself. Local Rule 220. Plaintiff may not bring unrelated
12 claims against unrelated parties in a single action. Fed. R. Civ. P. 18(a), 20(a)(2);
13 Owens v. Hinsley, 653 F.3d 950, 952 (7th Cir. 2011); George v. Smith, 507 F.3d 605,
14 607 (7th Cir. 2007). It is not overstatement to say it is beginning to appear that Plaintiff
15 wishes to contest every action taken by every individual he has interacted with at every
16 institution where he has been housed. Regardless of the merits of such challenges, the
17 Court cannot will not entertain such contentions if the defendants are not properly
18 joined. Failure to meet applicable pleading standards will result in the dismissal of some
19 or all of Plaintiff’s claims.

20 Plaintiff already has been advised that his request for an investigation and
21 polygraph examinations are outside the scope of this litigation. (ECF No. 26.) This
22 request will be denied.

23 To the extent Plaintiff seeks an order requiring the Warden to transfer his legal
24 materials, Plaintiff already has been advised that he is not entitled to injunctive relief in
25 this matter. (ECF No. 30.) There is no operative pleading and the Court is unable to
26 discern, from the piecemeal nature of Plaintiff’s allegations, whether the Warden of his
27 former institution is even intended as a Defendant. The Court will, however, ask the
28 Clerk’s Office to send this order to the Litigation Coordinator at Plaintiff’s institution, and

1 request Litigation Coordinator's assistance in procuring Plaintiff's legal materials as
2 expeditiously as possible.

3 Finally, the Court is unable to discern which documents Plaintiff requests copies
4 of. The Court will direct the Clerk's Office to provide Plaintiff with a copy of the Court's
5 screening orders (ECF Nos. 12, 26.)

6 Based on the foregoing, it is HEREBY ORDERED that:

- 7 1. Plaintiff's requests for an extension of time to file an amended complaint
8 are GRANTED;
- 9 2. Plaintiff is granted thirty days from the date of this order to file an
10 amended complaint;
- 11 3. Plaintiff's request for copies is GRANTED;
- 12 4. The Clerk's Office is directed to send Plaintiff copies of ECF Nos, 12, 26,
13 and 35;
- 14 5. The Clerk's Office is directed to send a copy of this order to the Litigation
15 Coordinator at Plaintiff's institution;
- 16 6. The Court requests the assistance of the Litigation Coordinator in
17 facilitating Plaintiff's access to his legal materials;
- 18 7. In all other respects, Plaintiff's motions for miscellaneous relief (ECF Nos.
19 32, 33, and 35) are DENIED.

20
21 IT IS SO ORDERED.

22 Dated: February 28, 2017

23 /s/ Michael J. Seng
24 UNITED STATES MAGISTRATE JUDGE