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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PETER GERARD WAHL,
Plaintiff,
v.
SUTTON,
Defendant.

Case No. 1:16-cv-01576-BAM (PC)
**ORDER DISREGARDING PLAINTIFF’S
SUPPLEMENTAL PLEADING (ECF No. 8)**
**ORDER DENYING PLAINTIFF’S MOTION
TO SUPPLEMENT (ECF No. 9)**
**ORDER GRANTING PLAINTIFF LEAVE TO
AMEND**
THIRTY (30) DAY DEADLINE

Plaintiff Peter Gerard Wahl (“Plaintiff”) is proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on October 19, 2016. (ECF No. 1.) Plaintiff has consented to magistrate judge jurisdiction. (ECF No. 7.)

The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity and/or against an officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). Before the Court could screen Plaintiff’s complaint, Plaintiff filed a supplemental pleading on November 4, 2016 (ECF No. 8) and a motion to supplement on December 7, 2016 (ECF No. 9).

Federal Rule of Civil Procedure 15(d) states, “[o]n motion and reasonable notice, the court

1 may, on just terms, permit a party to serve a supplemental pleading setting out any transaction,
2 occurrence, or event that happened after the date of the pleading to be supplemented.” Fed. R.
3 Civ. P. 15(d). “While leave to permit supplemental pleadings is favored, it cannot be used to
4 introduce a separate, distinct and new cause of action.” *Planned Parenthood of So. Arizona v.*
5 *Neely*, 130 F.3d 400, 402 (9th Cir. 1997) (internal quotation marks and citation omitted).

6 Upon review, Plaintiff’s supplemental pleading does not set forth any facts that arose after
7 the filing of his original complaint. Plaintiff instead seeks class action certification, injunctive
8 relief for law library access and expedited transfers, and an opportunity to amend. Plaintiff also
9 appears to allege retaliation, among other new causes of action. However, Plaintiff may not use a
10 supplemental pleading to introduce new and separate causes of action. *See Planned Parenthood*,
11 130 F.3d at 402. For these reasons, Plaintiff’s supplemental complaint shall be disregarded.

12 As for Plaintiff’s motion to supplement, it is one page in length and seeks only to apprise
13 the Court of the recently passed Proposition 57 in California. Plaintiff’s motion alleges no new
14 facts that arose subsequent to the original complaint to support a supplemental pleading. *See Fed.*
15 *R. Civ. P. 15(d)*. Additionally, the information about Proposition 57 is unnecessary. Plaintiff need
16 not submit legal authorities in order to plead a cognizable claim for relief. *Cf. Johnson v. City of*
17 *Shelby, Miss.*, 135 S.Ct. 346, 346-47 (2014) (per curiam) (holding that federal pleading rules do
18 not require a perfect statement of the legal theory supporting the claim asserted); *see also Fed. R.*
19 *Civ. P. 8(a)(2)* (complaint requires “a short and plain statement of the claim showing that the
20 pleader is entitled to relief”). For these reasons, Plaintiff’s motion to supplement shall be denied.

21 Given that Plaintiff seeks an opportunity to amend, the Court advises Plaintiff that he may
22 amend his complaint once as a matter of course. Fed. R. Civ. P. 15(a)(1) (“A party may amend its
23 pleading once as a matter of course...”). Plaintiff is reminded that an amended complaint should
24 be brief, Fed. R. Civ. P. 8(a), but it must state what each named defendant did that led to the
25 deprivation of Plaintiff’s constitutional rights. *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009).
26 Although accepted as true, the “[f]actual allegations must be [sufficient] to raise a right to relief
27 above the speculative level” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)
28 (citations omitted).

