

1 recommendations recommending that this action be dismissed for failure to state a claim. (Doc.
2 No. 7.) The findings and recommendations were served on plaintiff and contained notice that
3 plaintiff could file written objections thereto within thirty days. (*Id.*) On August 14, 2017, rather
4 than filing objections to the findings and recommendations, plaintiff filed a motion for another
5 thirty-day extension of time to file an amended complaint. (Doc. No. 8.) In light of plaintiff's
6 pro se status, the court will construe this most recent filing as an objection to the findings and
7 recommendations.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
9 *de novo* review of this case. Having considered plaintiff's objection, the court declines to adopt
10 the findings and recommendations recommending dismissal at this time and will instead grant
11 plaintiff leave to file an amended complaint within thirty days of the date of the service of this
12 order. In his most recent filing, plaintiff contends that he just recently received certain documents
13 he requested in November 2016, due to an administrative error by the Equal Employment
14 Opportunity Commission. The court will allow plaintiff to file an amended complaint, but
15 plaintiff is advised that court orders are not mere suggestions to be disregarded at the party's
16 convenience. If plaintiff is unable to comply with an order issued by the court, he must request
17 an extension of time prior to the expiration of the deadline. Moreover, given the number of
18 extensions of time already granted to plaintiff for this purpose, the court is not inclined to grant
19 any further extension of the time in which to file his amended complaint absent compelling
20 circumstances.

21 In filing an amended complaint, plaintiff is further advised to consider the following.
22 Plaintiff may not change the nature of this suit by adding new, unrelated claims to his amended
23 complaint. *See George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) (no "buckshot" complaints).
24 Plaintiff's amended complaint should be brief, *see* Fed. R. Civ. P. 8(a), but must state what each
25 named defendant did that led to the deprivation of plaintiff's constitutional or other federal rights,
26 *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009). "The inquiry into causation must be
27 individualized and focus on the duties and responsibilities of each individual defendant whose
28 acts or omissions are alleged to have caused a constitutional deprivation." *Leer v. Murphy*, 844

1 F.2d 628, 633 (9th Cir. 1988). Although accepted as true, the “[f]actual allegations must be
2 [sufficient] to raise a right to relief above the speculative level” *Bell Atlantic Corp. v.*
3 *Twombly*, 550 U.S. 544, 555 (2007) (citations omitted). Finally, an amended complaint
4 supersedes the original complaint, *Lacey v. Maricopa County*, 693 F.3d 896, 927 (9th Cir. 2012);
5 *Valdez-Lopez v. Chertoff*, 656 F.3d 851, 857 (9th Cir. 2011), and therefore must be “complete in
6 itself without reference to the prior or superseded pleading,” *see* Local Rule 220.

7 Accordingly,

- 8 1. The court declines to adopt the July 13, 2017 findings and recommendations (Doc.
9 No. 8);
- 10 2. Plaintiff is granted leave to file an amended complaint within thirty (30) days from the
11 date of service of this order; and
- 12 3. Any failure on plaintiff’s part to file an amended complaint within the time provided
13 will likely result in dismissal of this action.

14 IT IS SO ORDERED.

15 Dated: August 25, 2017

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18 UNITED STATES DISTRICT JUDGE
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