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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DERWIN BUTLER, SR.,

Plaintiff,

v.

ESCAMILLA, et al.

Defendants.

CASE NO. 1:17-cv-00623-MJS (PC)

**ORDER TERMINATING
MISCELLANEOUS FILING**

(ECF NO. 14)

**AMENDED COMPLAINT DUE WITHIN
THIRTY (30) DAYS**

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. On June 13, 2017, the Court dismissed Plaintiff's first amended complaint, providing him the opportunity to amend or file a notice of voluntary dismissal. (ECF No. 11.) Plaintiff has yet to respond to that order.

On June 15, 2017, Plaintiff submitted a two-page filing, styled as a motion, setting forth what appear to be general legal standards with respect to damages. The filing contains no factual allegations and seeks no specific relief.

A "motion" is defined as "[a] written or oral application requesting a court to make a specified ruling or order." S.E.C. v. McCarthy, 322 F.3d 650, 657 (9th Cir. 2003) (citation omitted). Plaintiff does not request any such action from the Court. His filing does not qualify as a "motion".

1 To the extent Plaintiff intends this document to serve as a supplement to his
2 complaint, he is advised that a complaint must be complete in itself without reference to
3 any prior pleading. See E.D. Cal. R. 220; Comm. to Protect our Agric. Water v.
4 Occidental Oil and Gas Corp., No. 1:15-cv-01323-DAD-JLT, 2017 WL 272215, at *32
5 (E.D. Cal. Jan. 20, 2017). The current, miscellaneous filing, will not be considered in
6 screening Plaintiff's complaint.

7 Since the filing is not a motion or an amendment to a pleading or anything else
8 properly before the Court at this time, it will be terminated.

9 Based on the foregoing, it is HEREBY ORDERED THAT:

- 10 1. Plaintiff's miscellaneous filing (ECF No. 14) be terminated; and
- 11 2. Within thirty (30) days from the date of service of this Order, Plaintiff
12 must file an amended complaint curing the deficiencies identified by the
13 Court in its June 13, 2017 screening order (ECF No. 11) or a notice of
14 voluntary dismissal.

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16 IT IS SO ORDERED.

17 Dated: June 22, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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