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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES L. DAVIS,

Plaintiff,

No. 2:10-cv-2972 MCE CKD P

vs.

SCHROEDER, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, filed his original complaint on November 4, 2010, seeking relief under 42 U.S.C. § 1983. (Dkt. No. 1.)

Plaintiff was granted leave to amend the complaint. (Dkt. No. 10.) The amended complaint was screened and dismissed, and plaintiff was granted leave to file a second amended complaint. (Dkt. No. 13.) Plaintiff’s second amended complaint was also screened and dismissed, and plaintiff was granted leave to file a third amended complaint “not longer than 20 pages.” (Dkt. No. 16.) On May 22, 2012, plaintiff was granted a sixty-day extension of time to file the third amended complaint. (Dkt. No. 19.)

On June 13, 2012, plaintiff filed a document setting forth his objections to the May 22, 2012 order. (Dkt. No. 21.) These objections are without merit.

On July 12, 2012, plaintiff filed a motion to amend the complaint, along with a proposed amended complaint. (Dkt. Nos. 22, 23.) As the court earlier granted leave for plaintiff to amend the complaint a third time, the court will deny this motion as moot. The court will refer

1 to the most recent amended complaint as the Third Amended Complaint.

2 Having screened and dismissed two lengthy pleadings by plaintiff, the court on
3 April 13, 2012 ordered that plaintiff was granted “leave to file a Third Amended Complaint not
4 longer than 20 pages within thirty days from the service of this order.” (Dkt. No. 16; emphasis in
5 original.) Plaintiff has disregarded this order by filing, effectively, a Third Amended Complaint
6 that is 64 pages long.

7 The court has neither the resources nor the inclination to screen a third lengthy,
8 confusing complaint by plaintiff containing numerous unrelated claims. As plaintiff has failed to
9 comply with the court’s order to limit his amended complaint to 20 pages, plaintiff will be given
10 one final chance to do so. Plaintiff is advised that if he again fails to abide by the court’s order,
11 the court will recommend that this action be dismissed. Plaintiff is also advised to review the
12 court’s earlier screening orders setting forth the requirement of a “short and plain” statement of
13 the claim.

14 Accordingly, IS HEREBY ORDERED THAT:

15 1. Plaintiff’s motion to amend (Dkt. No. 22) is denied as moot; and

16 2. Plaintiff is granted leave to file a Fourth Amended Complaint not longer than
17 20 pages within thirty days from the date of service of this order. Failure to file an amended
18 complaint, or to adhere to the page limit, will result in a recommendation that the action be
19 dismissed.

20 Dated: July 30, 2012

21 
22 _____
23 CAROLYN K. DELANEY
24 UNITED STATES MAGISTRATE JUDGE