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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL S. DAVIS,
Plaintiff,
v.
C. CARLTON, et al.,
Defendants.

No. 2:11-cv-1100 TLN KJN P

ORDER

Plaintiff is a state prisoner proceeding without counsel and in forma pauperis. On July 11, 2014, the undersigned recommended that this action be dismissed based on plaintiff's failure to file an amended complaint.

On July 14, 2014, plaintiff's "addendum" to his complaint was entered on the court's docket. In his "addendum," plaintiff states that because he does not have access to his initial complaint or its exhibits, he is unable to prepare an amended complaint. (ECF No. 24 at 1-2.) Instead, plaintiff used the summation included in the court's screening order to supplement the items contained in the original complaint. Plaintiff states that he also created the addendum in an effort to expedite the court's review of his original complaint, "until [plaintiff] can gain access to [his] original documents [he] filed after [his] release from jail on October 16, 2014." (ECF No. 24 at 2.)

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1 However, plaintiff was not granted leave to file an addendum or supplement to his original
2 complaint. By order filed December 12, 2013, plaintiff's original complaint was dismissed, and
3 plaintiff was granted leave to file an amended complaint that was complete in and of itself, and
4 subject to a 25 page limit. Plaintiff was informed that his shotgun complaint was inappropriate.
5 The screening of plaintiff's original complaint was made difficult by plaintiff's myriad
6 complaints about multiple, unrelated events that took place during his incarceration in the Placer
7 County Jail from July 6, 2009, through July 13, 2010. Plaintiff's "addendum" does not rectify
8 such deficiencies.

9 Plaintiff appears to allege that some defendants are liable based on their role in the inmate
10 grievance process. However, prisoners have no stand-alone due process rights related to the
11 administrative grievance process. See Mann v. Adams, 855 F.2d 639, 640 (9th Cir. 1988); see
12 also Ramirez v. Galaza, 334 F.3d 850, 860 (9th Cir. 2003) (holding that there is no liberty interest
13 entitling inmates to a specific grievance process). Put another way, prison officials are not
14 required under federal law to process inmate grievances in a specific way or to respond to them in
15 a favorable manner. Because there is no right to any particular grievance process, plaintiff cannot
16 state a cognizable civil rights claim for a violation of his due process rights based on allegations
17 that prison officials ignored or failed to properly process grievances. See, e.g., Wright v.
18 Shannon, 2010 WL 445203 at *5 (E.D. Cal. Feb.2, 2010) (plaintiff's allegations that prison
19 officials denied or ignored his inmate appeals failed to state a cognizable claim under the First
20 Amendment).

21 Plaintiff may join multiple claims if they are all against a single defendant. Fed. R. Civ.
22 P. 18(a). If plaintiff has more than one claim based upon separate transactions or occurrences, the
23 claims must be set forth in separate paragraphs. Fed. R. Civ. P. 10(b). Unrelated claims against
24 different defendants must be pursued in multiple lawsuits.

25 The controlling principle appears in Fed. R. Civ. P. 18(a): 'A party
26 asserting a claim . . . may join, [] as independent or as alternate
27 claims, as many claims . . . as the party has against an opposing
28 party.' Thus multiple claims against a single party are fine, but
Claim A against Defendant 1 should not be joined with unrelated
Claim B against Defendant 2. Unrelated claims against different
defendants belong in different suits, not only to prevent the sort of

1 morass [a multiple claim, multiple defendant] suit produce[s], but
2 also to ensure that prisoners pay the required filing fees-for the
3 Prison Litigation Reform Act limits to 3 the number of frivolous
suits or appeals that any prisoner may file without prepayment of
the required fees. 28 U.S.C. § 1915(g).

4 George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007); see also Fed. R. Civ. P. 20(a)(2) (joinder of
5 defendants not permitted unless both commonality and same transaction requirements are
6 satisfied). For example, plaintiff must bring his claim that defendant Carlton used excessive force
7 in violation of the Eighth Amendment in a separate complaint from an action in which he alleges
8 that Dr. Duncan was deliberately indifferent to plaintiff's serious medical needs by failing to
9 provide catheters for self-catheterization, because they are unrelated causes of action against
10 different defendants.

11 In an abundance of caution, the court vacates the findings and recommendations, and will
12 grant plaintiff one final opportunity to file an amended complaint that complies with this court's
13 December 12, 2013 order, as well as the instant order. Plaintiff is cautioned that he is required to
14 diligently prosecute this action, even if he is housed in the Los Angeles County Jail or other penal
15 institution.

16 Plaintiff's original complaint is 81 pages long. If plaintiff needs a copy of his complaint,
17 the Clerk's Office will provide copies of documents at \$0.50 per page. Checks in the exact
18 amount are made payable to "Clerk, USDC." Plaintiff's in forma pauperis status does not entitle
19 him to free photocopies. Copies of documents in cases may also be obtained by printing from the
20 public terminals at the Clerk's Office or by contacting Cal Legal Support Group at: 3104 "O"
21 Street, Suite 291, Sacramento, CA 95816, phone 916-441-4396, fax 916-400-4948.

22 Failure to timely file an amended complaint will result in a recommendation that this
23 action be dismissed.

24 Accordingly, IT IS HEREBY ORDERED that:

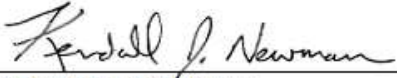
- 25 1. The findings and recommendations filed July 11, 2014 (ECF No. 22) are vacated;
- 26 2. Plaintiff's "addendum" is disregarded;
- 27 3. Plaintiff is granted sixty days from the date of this order in which to file an amended
28 complaint that complies with the instant order, and the December 12, 2013 order; and

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4. The Clerk of the Court is directed to send plaintiff the form for filing a civil rights complaint pursuant to 42 U.S.C. § 1983.

Dated: August 20, 2014

/davi1100.vac


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE