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

BRUCE THORNS,

Plaintiff,

No. 2:11-cv-01826 MCE DAD P

vs.

S. SHANNON, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is a former state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On March 28, 2013, the assigned District Judge adopted findings and recommendations issued by the undersigned and granted defendants’ motion for summary judgment as to plaintiff’s equal protection claim. Plaintiff was, however, granted leave to file an amended complaint to attempt to allege other constitutional claims, if any, as to defendants Virga, Shannon and Baker. By this order, the court will set a deadline for the filing of plaintiff’s amended complaint.

If plaintiff elects to file an amended complaint, he must allege facts therein demonstrating how the conditions complained of resulted in a deprivation of his federal constitutional or statutory rights. See Ellis v. Cassidy, 625 F.2d 227 (9th Cir. 1980). The amended complaint must allege in specific terms how each named defendant was involved in the

1 deprivation of plaintiff's rights. There can be no liability under 42 U.S.C. § 1983 unless there is  
2 some affirmative link or connection between a defendant's actions and the claimed deprivation.  
3 Rizzo v. Goode, 423 U.S. 362 (1976); May v. Enomoto, 633 F.2d 164, 167 (9th Cir. 1980);  
4 Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978). Vague and conclusory allegations of  
5 official participation in civil rights violations are not sufficient. Ivey v. Board of Regents, 673  
6 F.2d 266, 268 (9th Cir. 1982).

7 Plaintiff is also informed that the court cannot refer to a prior pleading in order to  
8 make plaintiff's amended complaint complete. Local Rule 220 requires that an amended  
9 complaint be complete in itself without reference to any prior pleading. This is because, as a  
10 general rule, an amended complaint supersedes the original complaint. See Loux v. Rhay, 375  
11 F.2d 55, 57 (9th Cir. 1967). Once plaintiff files an amended complaint, the original pleading no  
12 longer serves any function in the case. Therefore, in an amended complaint, as in an original  
13 complaint, each claim and the involvement of each defendant must be sufficiently alleged.

14 Accordingly, IT IS HEREBY ORDERED that:

15 1. Plaintiff is granted thirty days from the date of service of this order to file an  
16 amended complaint that complies with the requirements of the Civil Rights Act, the Federal  
17 Rules of Civil Procedure, and the Local Rules of Practice; the amended complaint must bear the  
18 docket number assigned to this case and must be labeled "Amended Complaint"; plaintiff shall  
19 use the form complaint provided by the Clerk of the Court; failure to file an amended complaint  
20 in accordance with this order will result in the dismissal of this action without prejudice; and

21 2. The Clerk of the Court is directed to provide plaintiff with the court's form  
22 complaint for a § 1983 action.

23 DATED: April 3, 2013.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE