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

GABRIEL ESPINOZA,

Plaintiff,

No. 2: 11-cv-3358 KJN P

vs.

M.D. McDONALD,

Defendant.

ORDER

_____ /

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On January 6, 2012, the undersigned dismissed plaintiff's complaint with leave to amend on grounds that plaintiff had failed to link the only named defendant, M.D. McDonald, to the alleged deprivations.


Plaintiff did not file an amended complaint. Instead, plaintiff filed a declaration discussing defendant McDonald's link to the alleged deprivations. In order for the undersigned to consider the allegations contained in the declaration, they must be contained in an amended complaint. Accordingly, plaintiff is granted thirty days to file an amended complaint containing his allegations against defendant McDonald. Plaintiff must include all of his claims against defendant McDonald in the amended complaint, including his allegations linking him to the alleged deprivations.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff is granted thirty days to file an amended complaint; and
2. The Clerk of the Court is directed to send plaintiff the form for a civil rights complaint by a prisoner.

DATED: February 7, 2012


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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