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

VINCENT J. BIAGAS, SR.,

No. 2:13-cv-2656-CMK-P

Plaintiff,

vs.

ORDER

T. VIRGA, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s amended complaint, and several motions plaintiff has filed for production and inspection of documents (Docs. 21, 26, 27), and temporary restraining order (Doc. 20). Plaintiff’s amended complaint is addressed herein. Plaintiff’s other motions will be addressed by separate order if his amended complaint survives screening. Plaintiff has consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c) and no other party has been served or appeared in the action.

As the court previously explained, the court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion

1 thereof if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can be
2 granted; or (3) seeks monetary relief from a defendant who is immune from such relief. See 28
3 U.S.C. § 1915A(b)(1), (2). Moreover, the Federal Rules of Civil Procedure require that
4 complaints contain a “short and plain statement of the claim showing that the pleader is entitled
5 to relief.” Fed. R. Civ. P. 8(a)(2). This means that claims must be stated simply, concisely, and
6 directly. See McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996) (referring to Fed. R. Civ. P.
7 8(e)(1)). These rules are satisfied if the complaint gives the defendant fair notice of the
8 plaintiff’s claim and the grounds upon which it rests. See Kimes v. Stone, 84 F.3d 1121, 1129
9 (9th Cir. 1996). Because plaintiff must allege with at least some degree of particularity overt acts
10 by specific defendants which support the claims, vague and conclusory allegations fail to satisfy
11 this standard. Additionally, it is impossible for the court to conduct the screening required by
12 law when the allegations are vague and conclusory.

13 **I. PLAINTIFF’S ALLEGATIONS**

14 Plaintiff’s claims remain unclear in his amended complaint. It does not appear
15 that he has limited the number of defendants to those related by the same claims, as he continues
16 to name various correctional officers, supervisors, and wardens as defendants to this action. As
17 with his original complaint, the amended complaint still fails to allege any specific facts, but
18 appears to allege various violations ranging from Due Process, medical treatment, obstruction of
19 justice, to failure to protect and inappropriate behavior by the correctional staff.

20 **II. DISCUSSION**

21 Plaintiff’s amended complaint suffers from the same defects as his original
22 complaint. Specifically, plaintiff fails to satisfy the requirements of Rule 8 of the Federal Rules
23 of Civil Procedure to state his claim simply, concisely, and directly. He continues to offer vague
24 allegations without alleging any factual support for claims. Plaintiff does not plead with
25 sufficient clarity any of his possible claims.

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