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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL M. QUINN,

Plaintiff,

v.

WARREN, et al.,

Defendants.

No. 2:14-cv-0408 AC P

ORDER

Plaintiff is a former county prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983.

The court screened plaintiff’s complaint and found that he had stated a claim against defendants Warren, Nelson, and Hernandez. ECF No. 7 at 6. The claims against defendants Jones and Steed were dismissed with leave to amend. Id. Plaintiff was advised that if he chose to amend the complaint, he would have to re-allege all of his claims because the court could not refer to his previous complaint. Id. at 5. Plaintiff filed a notice of submission of service documents that included a note indicating that he wanted to amend the complaint as to defendant Steed. ECF No. 9. Plaintiff was given twenty-one days to file an amended complaint. ECF No. 10. Plaintiff proceeded to file a document entitled “Submission to Amend Complaint” in which he asked the court to amend the complaint and add Steed as a defendant. ECF No. 12. The court construed the request as a request for extension of time to file an amended complaint and

1 cautioned plaintiff “that the court cannot simply ‘add a defendant’ to his original complaint” and
2 that if he filed an amended complaint it could not rely on the original complaint. ECF No. 13.

3 Plaintiff has filed a document entitled “Amended Complaint.” ECF No. 14. The amended
4 complaint states, in its entirety, “[t]he addition of seargent [sic] R. Steed, based upon her
5 statement: ‘I was there, saw what officers Warren, Nelson & Hernandez were & saw no problem’
6 based on Sgt. Steed[’]s official capacity as supervisor to officers & she did not stop them.” Id.
7 The amended complaint cannot state a claim without relying on the original complaint and will
8 therefore be disregarded. Plaintiff will be permitted one more opportunity to file an amended
9 complaint in the proper form. If he fails to file a proper amended complaint, the case will
10 proceed on the original complaint against defendants Warren, Nelson, and Hernandez.

11 Plaintiff has also recently filed a request for “all pertinent case studies & any and all
12 information pertaining to his civil rights lawsuit.” ECF No. 15. It appears that plaintiff may be
13 requesting legal research and this request will be denied because the court does not provide legal
14 research. Plaintiff also appears to be seeking a status update on this case and his request is
15 granted to the extent this order notifies plaintiff of what he needs to do next.

16 Finally, since it appears plaintiff has been released from custody and he has not paid the
17 filing fee, within twenty-one days from the filing date of this order he must either pay the filing
18 fee in full or submit a non-prisoner application to proceed in forma pauperis, which the Clerk will
19 be directed to provide. Failure to comply with this order will result in a recommendation that this
20 action be dismissed without prejudice.

21 Summary

22 Plaintiff’s amended complaint will not be considered because it does not stand alone as a
23 complete complaint. Plaintiff will be given one more opportunity to amend the complaint and if
24 he does not submit a proper amended complaint, the case will proceed on his claims against
25 defendants Warren, Nelson, and Hernandez only. If plaintiff chooses to amend his complaint, the
26 amended complaint must be a complete complaint that includes all the facts and all the claims
27 plaintiff wants to make. Plaintiff cannot just say he wants to add claims. An amended complaint
28 must combine all the material from the original complaint that plaintiff wants the court to

1 consider, plus any new material that plaintiff wants to add.

2 Plaintiff's request for legal research is denied because the court does not provide legal
3 research. His request for the status of his case is granted to the extent this order tells plaintiff
4 what he needs to do next.

5 Because plaintiff is no longer in jail, he must either pay the filing fee or file a non-prisoner
6 request to proceed in forma pauperis.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Plaintiff's amended complaint (ECF No. 14) is disregarded because it is not in the
9 proper form. Plaintiff shall have twenty-one days from the filing of this order to file an amended
10 complaint. If plaintiff does not file an amended complaint in the proper form, this case will
11 proceed on the original complaint against defendants Warren, Nelson, and Hernandez.


12 2. Plaintiff's request for legal research (ECF No. 15) is denied.

13 3. Plaintiff's request for the status of this case (ECF No. 15) is granted insofar as this
14 order directs him as to his next steps.

15 4. Within thirty days of the filing of this order, plaintiff must either pay the filing fee in
16 full or submit a non-prisoner application to proceed in forma pauperis.

17 5. The Clerk of the Court is directed to send plaintiff a blank in forma pauperis
18 application used by non-prisoners and a blank complaint form for prisoner complaints under 42
19 U.S.C. § 1983.

20 DATED: January 4, 2016

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22 ALLISON CLAIRE
23 UNITED STATES MAGISTRATE JUDGE
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