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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNIS WAYNE MIZE, SR.,  
Plaintiff,  
v.  
JEFFREY BEARD, et al.,  
Defendants.

No. 2:14-cv-1558 MCE CKD P

ORDER

Plaintiff is a California prisoner proceeding pro se with an action for violation of his civil rights under 42 U.S.C. § 1983. Plaintiff seeks leave to file a third amended complaint. Plaintiff indicates he wants to add claims against two additional defendants: Saipher and Horowitz.

The court has reviewed the proposed third amended complaint pursuant to the court’s obligation to screen pleadings filed by prisoners. See 28 U.S.C. § 1915A(a). The court finds that the third amended complaint it is too long in violation of Rule 8 of the Federal Rules of Civil Procedure which requires that pleadings be “concise and direct.” The body of plaintiff’s second amended complaint is already too long at 35 pages. The body of the third amended complaint is 62 pages despite plaintiff’s insistence that the purpose of plaintiff’s third amended complaint is to add defendants whose actions “mirror” the actions of the other defendants. Much of the information provided in the third amended complaint is irrelevant or marginally relevant background information.

1 Also, plaintiff's claims against Saipher and Horowitz are more properly brought in a  
2 separate action. It appears plaintiff's claims against Saipher and Horowitz are based upon events  
3 which occurred after this action was commenced. While the claims against Saipher and Horowitz  
4 concern the denial of medical care as do plaintiff's claims against the current defendants, the  
5 claims are not otherwise materially related. If plaintiff's claims against Saipher and Horowitz  
6 were to proceed to trial, the evidence presented would be mostly different than the evidence  
7 presented with respect to the current defendants.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's request for leave to file a third amended complaint (ECF No. 22) is denied  
10 without prejudice to plaintiff initiating a new action against defendants Saipher and Horowitz;  
11 and  
12 2. Plaintiff's third amended complaint (ECF No. 23) is stricken.

13 Dated: March 14, 2016

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15 CAROLYN K. DELANEY  
16 UNITED STATES MAGISTRATE JUDGE

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