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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC C.R. K’NAPP,
Plaintiff,
v.
EDMUND G. BROWN, JR., et al.,
Defendants.

No. 2:14-cv-1620 GEB KJN (TEMP) P

ORDER

Plaintiff is a state prisoner, proceeding pro se, with a civil rights action pursuant to the Americans with Disabilities Act, the Rehabilitation Act of 1973, and the Religious Land Use and Institutionalized Persons Act of 2000. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

On October 30, 2015, plaintiff filed a motion for leave to file an amended complaint. (ECF No. 12). As the court had not yet ordered that plaintiff’s prior complaint be served, the motion was granted. Fed. R. Civ. P. 15(a)(1)(A) (“A party may amend its pleading once as a matter of course within 21 days after serving it.”)

In granting his motion, the court advised plaintiff to keep in mind the following points.

Plaintiff should be aware that “[j]udges in the Eastern District of California carry the heaviest caseload in the nation, and this Court is unable to devote inordinate time and resources to individual cases and matters.” Conte v. Jakks Pac., Inc., 981 F. Supp. 2d 895, 899 (E.D. Cal. 2013). Plaintiff chose to file a

1 complaint consisting of 45 pages of allegations, accompanied by a
2 78-page-long declaration. He then followed up this complaint with
3 the two motions for preliminary injunctive relief considered herein.
Given the volume of cases before this court, the length of plaintiff's
filings necessarily slowed the screening of his complaint.

4 The federal rules contemplate brevity. Plaintiff's claims
5 should be set forth in short and plain terms, simply, concisely and
6 directly. See Swierkiewicz v. Sorema N.A., 534 U.S. 506, 514
7 (2002) ("Rule 8(a) is the starting point of a simplified pleading
8 system, which was adopted to focus litigation on the merits of a
9 claim."); Fed. R. Civ. P. 8. Plaintiff must not include any
10 preambles, introductions, argument, speeches, explanations, stories,
11 griping, vouching, evidence, attempts to negate possible defenses,
12 summaries, and the like. McHenry v. Renne, 84 F.3d 1172, 1177-
13 78 (9th Cir. 1996) (affirming dismissal of § 1983 complaint for
14 violation of Rule 8 after warning); see Crawford-El v. Britton, 523
15 U.S. 574, 597 (1998) (reiterating that "firm application of the
Federal Rules of Civil Procedure is fully warranted" in prisoner
cases). The court (and defendant) should be able to read and
understand plaintiff's pleading within minutes. McHenry, 84 F.3d
at 1179-80. A long, rambling pleading including many defendants
with unexplained, tenuous or implausible connection to the alleged
constitutional injury, or joining a series of unrelated claims against
many defendants, will very likely result in delaying the review
required by 28 U.S.C. § 1915 and may result in an order dismissing
plaintiff's action pursuant to Fed. R. Civ. P. 41 for violation of
these instructions.

16 Notwithstanding these advisements, plaintiff has now filed a 245-page Second Amended
17 Complaint. (ECF No. 21.) As he was previously informed, the court does not have the time or
18 resources to devote to long, rambling pleadings, and there is certainly no reason why plaintiff's
19 claims cannot be asserted in a shorter pleading.

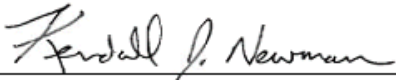
20 Accordingly, IT IS HEREBY ORDERED that:

- 21 1. Plaintiff's Second Amended Complaint (ECF No. 21) is dismissed; and
- 22 2. Plaintiff may file a Third Amended Complaint to be **no longer than 35 pages** within
23 thirty-days from the date of this order. In submitting this amended pleading, plaintiff
24 shall complete the attached Notice of Amendment and submit the following
25 documents to the court:
 - 26 a. The completed Notice of Amendment; and
 - 27 b. An original and one copy of the Third Amended Complaint.

28 Plaintiff's amended complaint shall comply with the requirements of the Civil Rights Act, the

1 Federal Rules of Civil Procedure, and the Local Rules of Practice. The amended complaint must
2 also bear the docket number assigned to this case and must be labeled “Third Amended
3 Complaint.” Failure to file an amended complaint in accordance with this order may result in the
4 dismissal of this action.

5 Dated: February 26, 2016

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8 KENDALL J. NEWMAN
9 UNITED STATES MAGISTRATE JUDGE

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