

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

|   |  |
|---|--|
| DAVID KING,<br><br>Plaintiff,<br><br>v.<br><br>WANG, et al.,<br><br>Defendants. | No. 2:14-cv-1817 DAD P<br><br><u>ORDER</u> |
|---|--|

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

By an order filed November 6, 2014, this court ordered plaintiff to complete and return to the court, within thirty days, the USM-285 form and copies of his complaint which are required to effect service on the defendant Wang. On December 24, 2014, plaintiff submitted the copies of the complaint but failed to provide a complete address for the defendant on the USM-285 form.

On December 24, 2014, plaintiff also filed a notice with the court, entitled “Amended Complaint,” which provides in pertinent part: “Petitioner respectfully asks that this Court Amend the original complaint to read on page 2 line 10 of the Court’s order, that the incident happened in Unit I Folsom State Prison not at High Desert State Prison.” (ECF No. 12.) It is unclear whether plaintiff is seeking to amend his original complaint or to move the court to alter the wording of its November 6, 2014 order. Page 2, lines 9-11 of that order provides: “In his complaint pending

1 before the court, plaintiff alleges that during his incarceration at High Desert State Prison  
2 defendants were deliberately indifferent to his need to obtain urgent medical care for a severe  
3 toothache.” (ECF No. 8 at 2.) That characterization of plaintiff’s complaint, in turn, was  
4 prompted by the fact that plaintiff listed “High Desert State Prison (Custody Level)” as a named  
5 defendant on page 1 of his complaint. (ECF No. 1 at 1.) Accordingly, it does not appear to the  
6 court that it committed an error in referring to “High Desert State Prison” in its order. If plaintiff  
7 wishes to amend his complaint in order to replace the phrase “High Desert State Prison” with the  
8 phrase “Unit I Folsom State Prison,” he may seek leave of the court or the defendants’ consent to  
9 do so. See Federal Rule of Civil Procedure 15(a)(2). Plaintiff is also cautioned that if he wishes  
10 to amend his complaint, he should comply with Local Rule 220, which provides in pertinent part:

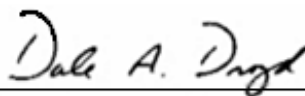
11 Unless prior approval to the contrary is obtained from the Court,  
12 every pleading to which an amendment or supplement is permitted  
13 as a matter of right or has been allowed by court order shall be  
14 retyped and filed so that it is complete in itself without reference to  
15 the prior or superseded pleading. No pleading shall be deemed  
16 amended or supplemented until this Rule has been complied with.  
17 All changed pleadings shall contain copies of all exhibits referred to  
18 in the changed pleading

19 In the meantime, the court’s November 6, 2014 order will remain unchanged.

20 In light of the foregoing, IT IS HEREBY ORDERED that:

- 21 1. The Clerk of the Court is directed to send plaintiff one blank USM-285 form;
- 22 2. Within thirty days, plaintiff shall submit to the court the completed USM-285 form  
23 required to effect service. Failure to return the USM-285 form within the specified time period  
24 will result in a recommendation that this action be dismissed; and
- 25 3. The Clerk of the Court is directed to term plaintiff’s “Amended Complaint.” (ECF  
26 No. 12.)

27 Dated: January 5, 2015

28 

DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

DAD:10/kly  
king1817.8f