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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WARREN C. GREEN,
Plaintiff,
v.
CDCR, et al.,
Defendants.

No. 2:14-cv-2854 TLN AC P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. By order filed September 29, 2015, the court directed plaintiff to consolidate his various filings into one comprehensive Second Amended Complaint. See ECF No. 11. The court found that plaintiff’s previous filings suggested that he could potentially state cognizable claims for deliberate indifference to his clearly identified serious medical needs. Id. The court provided guidance concerning the requirements for stating a deliberate indifference claim and for identifying the appropriate defendants.

Plaintiff responded with a statement entitled in part “Revising Whos (sic) Being Sued.” ECF No. 14. Plaintiff’s statement asks the court to construe his First Amended Complaint, ECF No. 9, which has been dismissed, according to the terms of his twenty-page statement, ECF No.

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1 14. However, as the court previously informed plaintiff, ECF No. 11 at 7 (citations omitted):

2 An amended complaint supersedes the original complaint and must
3 therefore be complete in itself without reference to the original
4 complaint. An amended complaint must identify each claim and the
5 challenged conduct of each defendant.

6 Plaintiff will be accorded an additional opportunity and extension of time to file a
7 comprehensive, self-contained Second Amended Complaint. A blank copy of a prisoner civil
8 rights complaint is included within this order. Plaintiff should complete the form, and may
9 include additional pages and exhibits. Copies of exhibits plaintiff has filed to date are returned to
10 him with this order, so that plaintiff may organize the exhibits to his Second Amended Complaint
11 in a comprehensible way. The court's prior order, a copy of which is included herewith, provides
12 guidance for framing plaintiff's factual allegations and legal claims, and identifying the
13 appropriate defendant(s). Plaintiff is reminded that he must name specific individual defendants,
14 not agencies or departments. See ECF No. 11 at 7 ("Section 1983 suits against the state and its
15 agencies are barred by the Eleventh Amendment.").

16 Accordingly, IT IS HEREBY ORDERED that:

17 1. *Within thirty days after the filing date of this order*, plaintiff shall complete the
18 attached Notice of Amendment and submit the following documents to the court:

- 19 a. The completed Notice of Amendment; and
- 20 b. A Second Amended Complaint.

21 The Second Amended Complaint must bear the docket number assigned to this case, be labeled
22 "Second Amended Complaint," be complete in itself, and comply with the requirements of the
23 Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules of Practice.

24 2. The Clerk of Court is directed to send plaintiff, together with a copy of this order, the
25 following:


- 26 a. A blank copy of the form used by prisoners in this district for filing a civil
27 rights complaint;
- 28 b. A copy of plaintiff's First Amended Complaint and attached exhibits, ECF
No. 9;

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- c. A copy of plaintiff's recent filing entitled on the docket as a "Response," ECF No. 14; and
- d. A copy of this court's order filed September 29, 2015, ECF No. 11.

3. Should plaintiff fail to timely file a Second Amended Complaint in accordance with this order, this court will recommend that this action be dismissed without prejudice.

DATED: October 13, 2015



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WARREN C. GREEN,
Plaintiff,
v.
CDCR, et al.,
Defendants.

No. 2:14-cv-2854 TLN AC P

NOTICE OF AMENDMENT

Plaintiff hereby submits the following documents in compliance with the court's order
filed _____.

_____ Second Amended Complaint

Date

Plaintiff