



1 Plaintiff has now amended his complaint. ECF No. 5. The amended complaint, however,  
2 does not indicate who the defendants are. The caption names the same State defendants that  
3 plaintiff is not permitted to sue, and it no longer includes the County.

4 In addition, the complaint alleges no facts that show that plaintiff has suffered a legal  
5 wrong, that he is entitled to any relief, or that this federal district court has jurisdiction to consider  
6 his case. The complaint does allege that plaintiff's medical benefits were terminated. It sets forth  
7 the wrenching consequences of plaintiff's inability to obtain desperately needed medical help.  
8 However, this federal district court is powerless to compel the State or its agencies to comply  
9 with State laws or regulations. See Pennhurst State School & Hosp. v. Halderman, 465 U.S. 89  
10 (1984). In a case such as this, the federal district court can provide relief only if the plaintiff has  
11 suffered a legal wrong because a state official or municipal entity (or other "person" within the  
12 meaning of 42 U.S.C. § 1983), violated the federal Constitution or laws. See Frew ex rel. Frew v.  
13 Hawkins, 540 U.S. 431, 437 (2004) ("[t]o ensure the enforcement of federal law, . . . the Eleventh  
14 Amendment permits suits for prospective injunctive relief against state officials acting in  
15 violation of federal law").

16 The complaint does not, for example, allege facts showing that the terminated medical  
17 benefits were entitlements and that they were terminated by a state official (or a municipal entity  
18 such as the County, or municipal official), without a hearing, or that the official otherwise  
19 deprived plaintiff of the due process of law. See Goldberg v. Kelly, 397 U.S. 254 (1970)  
20 (termination of State welfare benefits requires a pre-termination hearing in order to comply with  
21 Due Process requirements of the Fourteenth Amendment to the U.S. Constitution). With no such  
22 factual allegations, the complaint must be dismissed.

23 The court will, however, again grant plaintiff leave to file an amended complaint. If  
24 plaintiff chooses to amend the complaint, he must say why federal jurisdiction exists, that is, what  
25 federal statute authorizes this court to consider this case. Fed. R. Civ. P. 8(a)(1). Further, the  
26 complaint must state who the defendants are. It is not sufficient to name defendants in the  
27 caption, they must be named in the body of the complaint, in a separate section entitled "The  
28 Parties" or "The Defendants." The complaint must allege in specific terms the conduct the

1 defendants engaged in, and how that conduct violated his rights under the federal Constitution or  
2 laws. Also, plaintiff may not name the State defendants from his original complaint, as those  
3 defendants have been dismissed without leave to amend.

4 In addition, plaintiff is informed that the court cannot refer to a prior pleading in order to  
5 make plaintiff's amended complaint complete. E.D. Cal. R. 220. An amended complaint must be  
6 complete in itself without reference to any prior pleading. This is because, as a general rule, an  
7 amended complaint supersedes the original complaint. See Loux v. Rhay, 375 F.2d 55, 57 (9th  
8 Cir. 1967). Once plaintiff files an amended complaint, the original pleading no longer serves any  
9 function in the case. Therefore, in an amended complaint, as in an original complaint, each claim  
10 and the involvement of each defendant must be sufficiently alleged.

11 In accordance with the above, IT IS HEREBY ORDERED that:

12 1. Plaintiff's complaint is dismissed; and

13 2. Plaintiff is granted thirty (30) days from the date of service of this order to file an  
14 amended complaint that complies with the requirements of this order, the Federal Rules of Civil  
15 Procedure, and the Local Rules of Practice; the amended complaint must bear the docket number  
16 assigned this case and must be labeled "Second Amended Complaint"; plaintiff must file an  
17 original and two copies of the amended complaint; failure to file an amended complaint in  
18 accordance with this order will result in a recommendation that this action be dismissed.

19 DATED: February 17, 2015

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21 ALLISON CLAIRE  
22 UNITED STATES MAGISTRATE JUDGE  
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