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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES DAVID LOGAN, II,

Plaintiff,

v.

EVALYN HORWITZ, et al.,

Defendants.

No. 2:15-cv-0121 AC P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to the jurisdiction of the undersigned magistrate judge for all purposes pursuant to 28 U.S.C. § 636(c) and Local Rule 305(a). ECF No. 6.

On June 29, 2015, the court issued an order denying plaintiff’s motion for in forma pauperis status pursuant to the three strikes provision of the Prison Litigation Reform Act of 1995 (PLRA). ECF No. 29; 28 U.S.C. § 1915(g). The court found that plaintiff had filed at least eight different cases that qualified as strikes under § 1915(g) and that the complaint did not allege plaintiff was “under imminent danger of serious physical injury.” ECF No. 29. Plaintiff was ordered to pay the filing fee within twenty-one days of the court’s order or face dismissal of this action. Id.

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1 The twenty-one day period has now passed and plaintiff has not paid the filing fee or
2 indicated his intention to do so. However, he has now filed a motion to amend¹ that indicates he
3 may be “under imminent danger of serious physical injury.” ECF No. 30. Therefore, the court
4 will allow plaintiff an opportunity to amend the complaint. If plaintiff chooses not to file an
5 amended complaint, or the amended complaint does not allege imminent danger of serious
6 physical injury, this action will be dismissed unless plaintiff pays the filing fee.

7 If plaintiff chooses to amend the complaint, plaintiff must demonstrate how the conditions
8 about which he complains resulted in a deprivation of plaintiff’s constitutional rights. Rizzo v.
9 Goode, 423 U.S. 362, 371 (1976). Also, the complaint must allege in specific terms how each
10 named defendant is involved. Id. There can be no liability under 42 U.S.C. § 1983 unless there is
11 some affirmative link or connection between a defendant’s actions and the claimed deprivation.
12 Id.; May v. Enomoto, 633 F.2d 164, 167 (9th Cir. 1980); Johnson v. Duffy, 588 F.2d 740, 743
13 (9th Cir. 1978). Furthermore, vague and conclusory allegations of official participation in civil
14 rights violations are not sufficient. Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982).

15 In addition, plaintiff is informed that the court cannot refer to a prior pleading in order to
16 make plaintiff’s amended complaint complete. Local Rule 220 requires that an amended
17 complaint be complete in itself without reference to any prior pleading. This requirement exists
18 because, as a general rule, an amended complaint supersedes the original complaint. See Loux v.
19 Rhay, 375 F.2d 55, 57 (9th Cir. 1967). Once plaintiff files an amended complaint, the original
20 pleading no longer serves any function in the case. Therefore, in an amended complaint, as in an
21 original complaint, each claim and the involvement of each defendant must be sufficiently
22 alleged. The amended complaint must be filed as a single document. The court will not consider
23 piecemeal, partial filings such as those submitted by plaintiff in the past. See ECF Nos. 5, 13, 14,
24 17, 23-28.

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26 ¹ The motion also requests that the court forward a copy to a federal attorney whose connection
27 to plaintiff is unclear. ECF No. 30. If plaintiff seeks to have documents sent to an attorney, it is
28 his responsibility to mail a copy of those documents himself. The court will not mail plaintiff’s
documents for him.

