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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

KEITH D. JOHNSON,  
Plaintiff,

No. 2:15-CV-0365-CMK-P

vs.

ORDER

MULE CREEK STATE PRISON,  
et al.,  
Defendants.

\_\_\_\_\_ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c) and no other party has been served or appeared in the action. Pending before the court is plaintiff's amended complaint (Doc. 19).

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. See 28 U.S.C. § 1915A(b)(1), (2). Moreover,

1 the Federal Rules of Civil Procedure require that complaints contain a “. . . short and plain  
2 statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2).  
3 This means that claims must be stated simply, concisely, and directly. See McHenry v. Renne,  
4 84 F.3d 1172, 1177 (9th Cir. 1996) (referring to Fed. R. Civ. P. 8(e)(1)). These rules are satisfied  
5 if the complaint gives the defendant fair notice of the plaintiff’s claim and the grounds upon  
6 which it rests. See Kimes v. Stone, 84 F.3d 1121, 1129 (9th Cir. 1996). Because plaintiff must  
7 allege with at least some degree of particularity overt acts by specific defendants which support  
8 the claims, vague and conclusory allegations fail to satisfy this standard. Additionally, it is  
9 impossible for the court to conduct the screening required by law when the allegations are vague  
10 and conclusory.

11 As with the original complaint, plaintiff’s hand-written and largely indecipherable  
12 complaint mentions “malpractice” and “deliberate indifference” but does not contain any factual  
13 allegations. Because the amended complaint fails to state any claim for relief, it will be  
14 dismissed. Further, because plaintiff appears unwilling or unable to amend the complaint to set  
15 forth any factual allegations as to any named defendant, plaintiff is not entitled to further leave to  
16 amend.

17 Accordingly, IT IS HEREBY ORDERED that this action is dismissed for failure  
18 to state a claim upon which relief can be granted.

19  
20 DATED: August 23, 2017

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22 **CRAIG M. KELLISON**  
23 UNITED STATES MAGISTRATE JUDGE  
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