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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

IVAN SHOCKLEY,
Plaintiff,
v.
OSCAR YOUNG,
Defendant.

No. 2: 15-cv-2157 KJN P

ORDER

Plaintiff is a county prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On October 30, 2015, the undersigned dismissed plaintiff's complaint with leave to amend. (ECF No. 4.)

On November 23, 2015, plaintiff filed a short pleading with the court which he apparently intends as his amended complaint. (ECF No. 7.) However, plaintiff's November 23, 2015 pleading does not comply with Federal Rule of Civil Procedure 8, which provides that complaints must contain a demand for relief. In addition, it is not clear from this document who plaintiff intends to name as defendants. Accordingly, plaintiff's November 23, 2015 pleading is dismissed. Plaintiff is granted one final opportunity to file a complaint that complies with Federal Rule of Civil Procedure 8. Plaintiff should prepare his second amended complaint on the form provided by the court.


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1 The undersigned dismissed the original complaint because it was not clear whether the
2 only defendant named, defendant Young, was a state actor. In order to state a claim under §
3 1983, a plaintiff must allege that the defendant was acting under color of state law at the time the
4 complained of act was committed. See 42 U.S.C. § 1983; West v. Atkins, 487 U.S. 42, 48
5 (1988). In the October 30, 2015 order, the undersigned stated that it was not clear whether
6 defendant Young was a private citizen or a state actor. Plaintiff did not clarify this matter in his
7 November 23, 2015 pleading. If plaintiff does not clarify whether defendant Young, or any other
8 named defendant, is a state actor in the second amended complaint, this action will be dismissed.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's amended complaint is dismissed with thirty days to file a second amended
11 complaint;
- 12 2. The Clerk of the Court is directed to send plaintiff the form for a civil rights complaint
13 brought by a prisoner pursuant to 42 U.S.C. § 1983.

14 Dated: January 20, 2016

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17 KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE

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