1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JESSE LUCAS, No. 2:16-cv-0171 KJN P 12 Plaintiff, 13 v. ORDER 14 C. MASEDEO, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant 18 to 42 U.S.C. § 1983. Pending before the court are two "amendments" filed by plaintiff on 19 November 21, 2016, and December 5, 2016. (ECF Nos. 17, 18.) 20 On October 31, 2016, the undersigned issued an order screening the original complaint. 21 (ECF No. 13.) In relevant part, the undersigned found that plaintiff stated a potentially colorable 22 Eighth Amendment excessive force claim against defendant Masedeo based on the June 5, 2015 incident. The undersigned also found that plaintiff stated a potentially colorable retaliation claim 23 against defendant Gaines based on plaintiff's transfer to A1 on October 3, 2015. The undersigned 24 25 dismissed with leave to amend plaintiff's claim that he wrote defendants Malugani and Hunter 26 letters in October on the grounds that plaintiff failed to describe the contents of these letters. 27 In his November 21, 2016 "amendment," plaintiff addresses the portion of the October 31, 28 2016 order dismissing his claims against defendants Malugani and Hunter. Plaintiff alleges that 1

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these letters addressed "the assault" (presumably referring to the June 5, 2015 incident involving defendant Masedeo) and the other incidents up to October 25, 2015, when he delivered his letters to defendants. Plaintiff alleges that defendants did not contact him about his concerns. Plaintiff's December 5, 2016 "amendment" makes similar allegations.

Local Rule 220 requires that an amended complaint be complete in itself without reference to any prior pleading. In other words, piecemeal amendment of pleadings is not permitted. Accordingly, to the extent plaintiff is attempting to amend his claims against defendants Malugani and Hunter through his "amendments," the amendments are denied.

Plaintiff is granted thirty days to file an amended complaint containing his claims against all defendants. If plaintiff files an amended complaint alleging that he wrote letters to defendants Malugani and Hunter about the alleged deprivations, he shall describe in detail the contents of the letters. If plaintiff does file an amended complaint within that time, the undersigned will order service of the original complaint on defendants Masedeo and Gaines.

Accordingly, IT IS HEREBY ORDERED that plaintiff is granted thirty days from the date of this order to file an amended complaint; if plaintiff does not file an amended complaint within that time, the undersigned will order service of the original complaint on defendants Masedeo and Gaines.

Dated: December 12, 2016

UNITED STATES MAGISTRATE JUDGE

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