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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROGER GIFFORD,
Plaintiff,
v.
ROBERT PUCKETT, SR., et al.,
Defendants.

No. 2:16-cv-0955 TLN AC (PS)

ORDER

Plaintiff is proceeding in this action pro se and in forma pauperis. This proceeding was referred to the undersigned by E.D. Cal. R. (“Local Rule”) 302(c)(21).

On May 26, 2016, the undersigned dismissed plaintiff’s original complaint because it violated Fed. R. Civ. P. (“Rule”) 8, and granted plaintiff leave to amend. ECF No. 3. The original complaint consisted of 84 pages of allegations and 40 pages of exhibits. See ECF No. 1. Plaintiff has now filed a First Amended Complaint. ECF No. 5.

The First Amended Complaint, however, is nearly identical to the original complaint. It contains the same 84 pages of allegations, although it corrects a paragraph numbering error in the original complaint, omits the 40 pages of exhibits and includes a table of contents. See ECF No. 5.

For the reasons set forth in the court’s prior order (ECF No. 3), the First Amended Complaint will also be dismissed on Rule 8 grounds, with leave to amend. However, plaintiff

1 will be ordered to limit any amended complaint to 25 pages.

2 Plaintiff is again cautioned that his complaint must contain a “short and plain statement”
3 of the basis for federal jurisdiction (that is, the reason the case is filed in this court, rather than in
4 a state court), as well as a short and plain statement showing that plaintiff is entitled to relief (that
5 is, who harmed the plaintiff, and in what way). See “Rule 8” of the Federal Rules of Civil
6 Procedure (Fed. R. Civ. P. 8); Swierkiewicz v. Sorema N.A., 534 U.S. 506, 514 (2002) (“Rule
7 8(a) is the starting point of a simplified pleading system, which was adopted to focus litigation on
8 the merits of a claim”). Forms are available to help pro se plaintiffs organize the complaint in the
9 proper way. They are available at the Clerk’s Office, 501 I Street, 4th Floor, Sacramento, CA
10 95814, or online at www.uscourts.gov/forms/pro-se-forms.

11 For the reasons stated above, IT IS HEREBY ORDERED that:

12 1. Plaintiff’s First Amended Complaint (ECF No. 5), is DISMISSED for failure to
13 comply with Rule 8; and


14 2. Plaintiff is granted thirty days from the date of this order to file an amended complaint
15 that complies with the requirements of the Federal Rules of Civil Procedure, and the Local Rules
16 of this court.

17 a. **The amended complaint must not exceed 25 pages in length.** Plaintiff shall
18 not evade the page requirement by using small type or otherwise failing to comply with Local
19 Rule 130 (general format of documents), or by placing allegations in attachments or exhibits, or
20 by any other means.

21 b. The amended complaint must bear the docket number assigned this case and
22 must be labeled “Second Amended Complaint.”

23 c. Failure to comply with this order may result in a recommendation that this
24 action be dismissed.

25 DATED: June 17, 2016

26 
27 ALLISON CLAIRE
28 UNITED STATES MAGISTRATE JUDGE