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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

J.P. PARNELL,  
Plaintiff,  
v.  
A. MARTINEZ, et al.,  
Defendants.

No. 2:16-cv-1556 MCE CKD P

ORDER

Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. On November 23, 2016, the court screened plaintiff’s complaint pursuant to 28 U.S.C. § 1915A(a). The court found plaintiff’s original complaint failed to state a claim upon which relief can be granted. The original complaint was dismissed with leave to file an amended complaint and with guidance and instructions as to the contents of the amended complaint. Plaintiff has now filed an amended complaint. The court has reviewed the amended complaint and finds that it also fails to state a claim upon which relief can be granted for essentially the same reasons as the original.

Good cause appearing, plaintiff will be given one final opportunity to cure the defects in his pleadings. Plaintiff should review the court’s November 23, 2016 order, and the legal principles identified therein, in determining whether he should file a second amended complaint.

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1 If he elects to do so, he must adhere to all instructions given in the order. Plaintiff is further  
2 advised as follows:

3 1. In order to state a claim for First Amendment retaliation, plaintiff must allege facts  
4 showing a causal connection between protected conduct and adverse action. See Watison v.  
5 Carter, 668 F.3d 1108, 1114 (9th Cir. 2012).

6 2. The Eighth Amendment provides protection against “cruel and unusual punishment.”  
7 With respect to conditions of confinement, only “extreme deprivations” amount to cruel and  
8 unusual punishment, not “routine discomfort.” Hudson v. McMillian, 503 U.S. 1, 8-9 (1992).

9 3. Plaintiff’s second amended complaint cannot exceed 20 pages.

10 Once again, plaintiff is informed that the court cannot refer to a prior pleading in order to  
11 make plaintiff’s second amended complaint complete. Local Rule 220 requires that an amended  
12 complaint be complete in itself without reference to any prior pleading. This is because, as a  
13 general rule, an amended complaint supersedes the original complaint. See Loux v. Rhay, 375  
14 F.2d 55, 57 (9th Cir. 1967). Once plaintiff files an amended complaint, the original pleading no  
15 longer serves any function in the case. Therefore, in an amended complaint, as in an original  
16 complaint, each claim and the involvement of each defendant must be sufficiently alleged.

17 In accordance with the above, IT IS HEREBY ORDERED that:

18 1. Plaintiff’s amended complaint is dismissed.

19 2. Plaintiff is granted thirty days from the date of service of this order to file a second  
20 amended complaint that complies with the requirements of this order, the Civil Rights Act, the  
21 Federal Rules of Civil Procedure, and the Local Rules of Practice. The second amended  
22 complaint must bear the docket number assigned this case and must be labeled “Second Amended  
23 Complaint.” Failure to file a second amended complaint in accordance with this order will result  
24 in a recommendation that this action be dismissed.

25 Dated: July 27, 2017

26   
27 CAROLYN K. DELANEY  
28 UNITED STATES MAGISTRATE JUDGE