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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK BLACKSHIRE,  
Plaintiff,  
v.  
SACRAMENTO COUNTY SHERIFF,  
Defendant.

No. 2:16-cv-02538 JAM DB

ORDER

Plaintiff is a former county inmate proceeding pro se with a civil rights action under 42 U.S.C. § 1983. Plaintiff claims he was imprisoned by the Sacramento County Sheriff beyond his release date. (ECF No. 1.) Presently before the court is plaintiff’s amended complaint. (ECF No. 16.) For the reasons set forth below, the court will dismiss the complaint and give plaintiff one final opportunity to amend.

By order dated November 26, 2018, plaintiff was directed to submit an updated application to proceed in forma pauperis or to pay the filing fee within thirty days. (ECF No. 13.) The court also found the complaint failed to state a claim and ordered plaintiff to file an amended complaint. Plaintiff was warned that failure to comply with the court’s order could result in a recommendation that this action be dismissed. Thereafter, plaintiff filed objections to the court’s order and a motion to appoint counsel. (ECF No. 14.) The court denied the motion to appoint

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1 counsel and gave plaintiff one final opportunity submit an updated application to proceed in  
2 forma pauperis or pay the fee and file an amended complaint. (ECF No. 15.)

3 Plaintiff has now filed a document titled “Amended Complaint.” (ECF No. 16.) The  
4 filing contains one page of allegations stating it is clear he was held beyond his release date and  
5 his mental illnesses are documented. He further requests defendant be directed to produce  
6 plaintiff’s mental health records and custody records.

7 Plaintiff has not complied with the court’s order to submit an updated in forma pauperis  
8 application. Nor has he stated sufficient facts for the court to determine if he has stated a claim.  
9 However, in light of plaintiff’s pro se status the court will give plaintiff one final opportunity to  
10 comply with its order directing him to submit an in forma pauperis application or pay the filing  
11 fee and submit an amended complaint that complies with the requirements of the Civil Rights  
12 Act, the Federal Rules of Civil Procedure, the Local Rules of Practice, and the court’s November  
13 26, 2018 screening order (ECF No. 13.)

14 Accordingly, IT IS HEREBY ORDERED that:

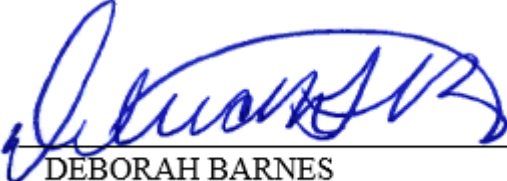
- 15 1. The First Amended Complaint (ECF No. 16) is dismissed with leave to amend.
- 16 2. Within thirty days of the date of service of this order, plaintiff shall file an amended  
17 complaint that complies with the requirements of the Civil Rights Act, the Federal  
18 Rules of Civil Procedure, the Local Rules of Practice, and the court’s screening order.  
19 The amended complaint must bear the docket number assigned to this case and must  
20 be labeled “Second Amended Complaint.”
- 21 3. Also within thirty days of service of this order, plaintiff shall submit an updated  
22 application to proceed IFP in accordance with 28 U.S.C. § 1015(a)(1); or pay the \$400  
23 filing fee in full. Failure to submit an updated application or pay the filing fee will  
24 result in a recommendation that this action be dismissed without prejudice for failure  
25 to prosecute and failure to obey a court order.
- 26 4. Failure to comply with this order will result in a recommendation that this action be  
27 dismissed.

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5. The Clerk of the Court is directed to send plaintiff a copy of the court's screening order dated November 26, 2018 (ECF No. 13.) and an application to proceed in forma pauperis.

Dated: March 1, 2019



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DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

DLB:12  
DLB:1/Orders/Prisoner.Civil.Rights/blac2538.ord.am