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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENT A. FRIEDE,
Plaintiff,
v.
DEEPAR PRASAK, et al.
Defendants..

No. 2:17-cv-00499 KJM GGH

ORDER

Plaintiff, proceeding in this action pro se, filed his original complaint and Motion for IFP Status on March 8, 2017. ECF No. 1. On March 10, 2017 this court granted the Motion but dismissed the complaint with permission to amend within 30 days in conformity with requirements for the necessary scope of the amendment laid out in the Order. ECF No. 3. That Order is incorporated into the instant Order and should be again reviewed by plaintiff to file any further pleadings.

On April 5, 2017 the plaintiff filed his First Amended Complaint, ECF No. 6, along with a Motion for Summary Judgment. ECF No. 7. On May 24, 2017 this court entered another Order that dismissed the First Amended Complaint with leave to amend, again in conformity with instructions included therein, and vacated the Motion for Summary Judgment as prematurely filed, giving the plaintiff 45 days in which to file a Second Amended Complaint drafted in

1 conformity with the dictates of the Order. ECF No. 8

2 Plaintiff filed a Second Amended Complaint which is the subject of the instant order on
3 July 7, 2017. At this point plaintiff has met some of the requirements of the two earlier
4 referenced Orders but still falls short of complying completely with the elements of those Orders.
5 Specifically, although plaintiff now states that his federal rights have been violated under Title
6 VII and 42 U.S.C. section 3601 *et seq.* based upon the alleged facts that he suffers from a
7 disability and, perhaps, racial discrimination. He also attempts to allege a supplemental state law
8 claim for violation of California Civil Code section 1941.4 regarding the implied warranty of
9 habitability. In order to perfect these claims he must do the following things in any further
10 amendment:

11 1. Identify the disability from which he suffers that allegedly led to his housing loss,
12 and/or his race and how it affected that loss if in fact he is alleging it did so;

13 2. Plaintiff names a number of individual defendants but he does not state necessary
14 facts regarding what action each named defendant took, when he or she took the action, and how
15 the action impacted the federal rights that form the basis for his complaint;

16 3. State facts regarding his claim for breach of the implied warranty of habitability,
17 when the breach occurred, and how it affected the loss of housing about which he complains.

18 As a result of the foregoing it IT IS HEREBY ORDERED that:

19 1. Plaintiff's Second Amended Complaint is dismissed, without prejudice;

20 2. The plaintiff shall have 45 days from the date of this Order to file a Third
21 Amended Complaint that conforms to the requirements laid out in this Order and the Order found
22 at ECF No. 3.

23 Plaintiff is advised that failure to conform to the requirements listed above may well result
24 in a recommendation for dismissal of any further Amendment with prejudice.

25 **IT IS SO ORDERED.**

26 Dated: July 24, 2017

27 /s/ Gregory G. Hollows
28 UNITED STATES MAGISTRATE JUDGE