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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JON HUMES,

Plaintiff,

v.

TRACIE OLSON, et al.,

Defendants.

No. 2:17-cv-2327 JAM AC P

ORDER

Plaintiff, a county prisoner proceeding pro se, seeks relief pursuant to Title II of the Americans with Disabilities Act (ADA) and was granted leave to file a second amended complaint. ECF No. 12 at 6-7.

On screening, the court found that plaintiff's first amended complaint failed to state a claim upon which relief could be granted. ECF No. 12 at 3-5; 28 U.S.C. § 1915A(b). Plaintiff was given the opportunity to amend the complaint within thirty days, and instructed that to successfully state a claim the amended complaint must independently address how the conditions he complains about violated his rights under the ADA. ECF No. 12 at 6-7.

Plaintiff has now submitted a letter to the court which largely addresses matters unrelated to the claims he is attempting to make. ECF No. 14. However, the end of the letter appears to attempt to address one of the deficiencies the court identified with his ADA claim. It seems that plaintiff is trying to supplement the first amended complaint, rather than filing an amended

1 complaint as directed. Id. at 2.

2 In screening the first amended complaint, the court advised plaintiff “that in order to show
3 that the probation department’s failure to provide him with bus passes violated the ADA, he must
4 allege facts that show that transportation assistance was a service normally provided by the
5 probation department and that the reason he was denied bus passes was because he was disabled.”
6 ECF No. 12 at 5. The letter states, in reply to the order, that plaintiff “was very disabled, and
7 really needed accommodations, w[h]ether other people got them or not” and that he “was refused
8 them by all.” ECF No. 14 at 2. These allegations do not fix the problem with plaintiff’s first
9 amended complaint. Moreover, plaintiff cannot simply try to add on to the first amended
10 complaint, and his letter fails to fulfill the requirements for an independent amended complaint
11 because the letter does not give all the information about plaintiff’s claim. As the court
12 previously explained, plaintiff needs to include all of his information and claims in the amended
13 complaint because the court will not look at other documents when deciding whether he has
14 stated a claim.

15 Plaintiff will be given another opportunity to amend the complaint and is reminded that
16 failure to file an amended complaint in accordance with these requirements will result in a
17 recommendation that this action be dismissed.

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

19 1. Within thirty days from the date of service of this order, plaintiff may file a second
20 amended complaint. The amended complaint must comply with this order and the December 28,
21 2017 screening order (ECF No. 12). Failure to file an amended complaint in accordance with this
22 order will result in a recommendation that this action be dismissed.

23 2. The Clerk of the Court is directed to send plaintiff a copy of the prisoner complaint
24 form used in this district.

25 DATED: January 29, 2018

26 
27 ALLISON CLAIRE
28 UNITED STATES MAGISTRATE JUDGE