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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JON HUMES,
Plaintiff,
v.
SACRAMENTO COUNTY,
Defendant.

No. 2:18-cv-0015 KJN P

ORDER

Plaintiff is a pretrial detainee, proceeding in forma pauperis and pro se. On May 4, 2018, plaintiff’s complaint was dismissed, and plaintiff was granted leave to file an amended complaint. On June 5, 2018, plaintiff was granted an extension of time in which to amend his complaint. Plaintiff failed to do so, and on July 11, 2018, the undersigned recommended that this action be dismissed based on plaintiff’s failure to timely amend his complaint.

On July 23, 2018, plaintiff filed another motion to proceed in forma pauperis, and a motion for leave to amend his complaint. Plaintiff apologizes for his delay, claiming he is juggling 20 or more cases in addition to two criminal cases in state court. Plaintiff states he is now “determined to address this case.” (ECF No. 19 at 1.) He asks for a copy of his pleadings in this case, and a blank § 1983 complaint.

First, plaintiff is admonished that he is responsible for diligently prosecuting his own cases, including keeping accurate records of his cases and meeting court deadlines. Plaintiff has

1 been granted leave to proceed in forma pauperis in this case; therefore, his July 23, 2018 motion
2 to proceed in forma pauperis, the fifth such motion filed in this action, is denied as moot.

3 Second, the May 4, 2018 order granted plaintiff leave to amend, so plaintiff was not
4 required to file a motion for leave to amend. Rather, plaintiff was required to file an amended
5 complaint. Plaintiff did not append an amended complaint to his motion.

6 Third, plaintiff is advised that the court does not provide copies of pleadings without
7 charge.¹ Plaintiff's request for copies of his pleadings is denied without prejudice.

8 Fourth, in an abundance of caution, plaintiff is granted thirty days in which to file an
9 amended complaint. In order to assist plaintiff in doing so, the Clerk of the Court is directed to
10 send plaintiff a copy of the May 4, 2018 order that provides a synopsis of his complaint, as well
11 as the standards governing the claims raised therein.

12 Fifth, plaintiff is warned that he may not raise the same claim in multiple cases. For
13 example, in the instant complaint, plaintiff alleged excessive force. However, plaintiff is
14 pursuing excessive force claims in Humes v. Sacramento County Jail, No. 2:17-cv-1870 MCE
15 AC (E.D. Cal.) and Humes v. Lukenbill, No. 2:17-cv-2609 KJN (E.D. Cal.). Therefore, plaintiff
16 may not raise excessive force claims based on the incidents raised in those prior cases in the
17 instant action. Claims arising from the same incident, even against different defendants, must be
18 brought in the same case. See Fed. R. Civ. P. 20(a)(2) (all persons may be joined in one action as
19 defendants if "any right to relief is asserted against them jointly, severally, or in the alternative
20 with respect to or arising out of the same transaction, occurrence, or series of transactions or
21 occurrences" and "any question of law or fact common to all defendants will arise in the
22 action.").

23 Finally, given the delay in this action, the court will not vacate the findings and
24 recommendations. Rather, the findings and recommendations will be held in abeyance pending

25 ¹ The Clerk's Office will provide copies of documents and of the docket sheet at \$0.50 per page.
26 Checks in the exact amount are made payable to "Clerk, USDC." Please Note: In Forma
27 Pauperis status does provide for the cost of copies. Copies of documents in cases may also be
28 obtained by printing from the public terminals at the Clerk's Office or by contacting Cal Legal
Support Group at 3104 "O" Street, Suite 291, Sacramento, CA 95816, phone 916-441-4396, fax
916-400-4948.

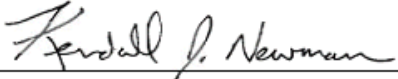
1 plaintiff's compliance with this order. Plaintiff is cautioned that if he fails to timely file an
2 amended complaint, the July 11, 2018 findings and recommendations will be routed to the district
3 court for review and adoption.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's fifth motion to proceed in forma pauperis (ECF No. 18) is denied as moot.
- 6 2. Plaintiff's motion to amend the complaint (ECF No. 19) is denied as unnecessary.
- 7 3. Plaintiff is granted thirty days from the date of this order in which to file an amended
8 complaint that complies with the May 4, 2018 order. Failure to do so will result in the routing of
9 the July 11, 2018 findings and recommendations to the district court.
- 10 4. The Clerk of the Court is directed to send plaintiff a copy of the May 4, 2018 order
11 (ECF No. 11).

12 Dated: August 9, 2018

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15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE