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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 KENETH DEAN DAWSON,

12 Plaintiff,

13 v.

14 UNITED STATES GOVERNMENT, et
15 al.,

16 Defendants.
17

No. 2:18-cv-0354 CKD P

ORDER

18 Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. §
19 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. §
20 636(b)(1).

21 Plaintiff requests leave to proceed in forma pauperis. Since plaintiff has submitted a
22 declaration that makes the showing required by 28 U.S.C. § 1915(a), his request will be granted.
23 Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§
24 1914(a), 1915(b)(1). By separate order, the court will direct the appropriate agency to collect the
25 initial partial filing fee from plaintiff's trust account and forward it to the Clerk of the Court.
26 Thereafter, plaintiff will be obligated for monthly payments of twenty percent of the preceding
27 month's income credited to plaintiff's prison trust account. These payments will be forwarded by

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1 the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account
2 exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

3 In correspondence dated June 11, 2018, plaintiff requests leave to file an amended
4 complaint. Good cause appearing, that request will be granted.

5 As for the contents of the amended complaint, plaintiff must demonstrate how the
6 conditions complained of have resulted in a deprivation of plaintiff's constitutional rights. See
7 Ellis v. Cassidy, 625 F.2d 227 (9th Cir. 1980). Also, in his amended complaint, plaintiff must
8 allege in specific terms how each named defendant is involved. There can be no liability under
9 42 U.S.C. § 1983 unless there is some affirmative link or connection between a defendant's
10 actions and the claimed deprivation. Rizzo v. Goode, 423 U.S. 362 (1976). Furthermore, vague
11 and conclusory allegations of official participation in civil rights violations are not sufficient.
12 Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982).

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

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

21 1. Plaintiff's request for leave to proceed in forma pauperis (ECF No. 7) is granted.

22 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. All fees
23 shall be collected and paid in accordance with this court's order to the Director of the California
24 Department of Corrections and Rehabilitation filed concurrently herewith.

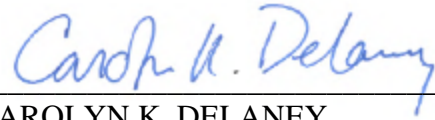
25 3. Plaintiff's motion for leave to file an amended complaint is granted.

26 4. Plaintiff's complaint is dismissed.

27 5. Plaintiff is granted thirty days to file an amended complaint that complies with the
28 requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules of

1 Practice. The amended complaint must bear the docket number assigned this case and must be
2 labeled "Amended Complaint." Failure to file an amended complaint in accordance with this
3 order will result in a recommendation that this action be dismissed.

4 Dated: June 28, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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