

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT W. NEAL,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

No. 2:18-cv-1259 KJM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On August 29, 2018, the undersigned dismissed plaintiff’s complaint with leave to amend. (ECF No. 15.) On September 17, 2018, plaintiff filed an amended complaint. (ECF No. 17.) For the reasons stated herein, the amended complaint is dismissed with leave to file a second amended complaint.¹

Rule 8(a)(2) of the Federal Rules of Civil Procedure “requires only ‘short and plain statement of the claim showing that the pleader is entitled to relief,’ in order to ‘give the defendant fair notice of what the ... claim is and the grounds upon which it rests.’” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007) (quoting Conley v. Gibson, 355 U.S. 41, 47 (1957)).

///


¹ On September 17, 2018, plaintiff filed a letter indicating that he had not received the August 29, 2018 order when he prepared the amended complaint.

1 The undersigned dismissed the original complaint, in part, because it did not contain a
2 short and plain statement of the claims, as required by Federal Rule of Civil Procedure 8. (ECF
3 No. 15 at 3.) With exhibits, the original complaint was 240 pages long. (Id.) Without exhibits,
4 the original complaint was 46 pages long. (Id.) The undersigned found that plaintiff could state
5 his claims in a much shorter pleading. (Id.) The undersigned ordered that the amended complaint
6 could be no longer than 15 pages. (Id.)

7 The amended complaint, which contains no exhibits, is 69 pages long. (ECF No. 17.)
8 Plaintiff's amended complaint does not comply with the August 29, 2018 order because it is
9 longer than 15 pages. After reviewing the amended complaint, it is clear that plaintiff can state
10 his claims in a much shorter pleading. The amended complaint is dismissed because it does not
11 contain a short and plain statement of the claims as required by Federal Rule of Civil Procedure 8.
12 If plaintiff files a second amended complaint, it may be no longer than 15 pages.

13 Accordingly, IT IS HEREBY ORDERED that plaintiff's amended complaint is dismissed
14 with thirty days to file a second amended complaint, in compliance with this order; failure to
15 comply with this order will result in a recommendation of dismissal of this action.

16 Dated: September 27, 2018

17 
18 _____
19 KENDALL J. NEWMAN
20 UNITED STATES MAGISTRATE JUDGE

21 Neal1259.ame
22
23
24
25
26
27
28