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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMMY DAVIS MORGAN,  
Plaintiff,  
v.  
SACRAMENTO CO. DEPARTMENT OF  
HEALTH SERVICES, et al.,  
Defendants.

No. 2:19-cv-1600 CKD P

ORDER

Plaintiff, a county prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). ECF No. 2. Accordingly, the request to proceed in forma pauperis will be granted.

Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§ 1914(a), 1915(b)(1). By this order, plaintiff will be assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C. § 1915(b)(1). By separate order, the court will direct the appropriate agency to collect the initial partial filing fee from plaintiff’s trust account and forward it to the Clerk of the Court. Thereafter, plaintiff will be obligated for monthly payments of twenty percent of the preceding month’s income credited to plaintiff’s prison trust account. These payments will be forwarded by the appropriate agency to the Clerk of the Court each time the amount in plaintiff’s account exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C.

1 § 1915(b)(2).

2 Plaintiff has filed two copies of his complaint, the second of which was docketed as a first  
3 amended complaint. (ECF Nos. 1, 6.) Because the complaints are identical, the Clerk of the  
4 Court will be directed to strike the second copy of the complaint as duplicative. Plaintiff has also  
5 filed a motion for supplemental pleading. (ECF No. 8.) In the motion, plaintiff requests that his  
6 supplemental pleading be added onto his original complaint. (Id. at 1.) Review of the proposed  
7 supplemental pleading reveals that it makes allegations against defendants generally or against a  
8 defendant without specifying which defendant. The court is unable to determine whether plaintiff  
9 has stated a claim against a defendant if it is unable to tell which defendant the claims are being  
10 made against. Furthermore, the purpose of a supplemental pleading is to plead additional events  
11 that occur after the pleading to be supplemented. Fed. R. Civ. P. 15(d). Plaintiff's proposed  
12 supplemental pleading does not appear to allege new incidents occurring after the complaint, but  
13 instead appears to be an attempt to expand the original complaint to include claims under the  
14 Americans with Disabilities Act. If plaintiff would like to add additional claims to his complaint,  
15 he will need to file an amended complaint that includes all of the claims that he seeks to make,  
16 and he will be given an opportunity to do so.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. The Clerk of the Court is directed to strike the second copy of plaintiff's complaint  
19 (ECF No. 6) from the record.
- 20 2. Plaintiff's motion to supplement the complaint (ECF No. 8) is denied.
- 21 3. Plaintiff may file an amended complaint within thirty days of the service of this order.  
22 Failure to file an amended complaint will result in this action proceeding on the original  
23 complaint.
- 24 4. The Clerk of the Court is directed to send plaintiff a copy of the prisoner complaint  
25 form used in this district.

26 Dated: October 8, 2019

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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE