

1 The allegations of the FAC are virtually identical to those in plaintiff's original complaint
2 (except now they are typed). As a result, the allegations of the FAC again fail to reflect the
3 essential elements for stating a cognizable deliberate indifference claim. Plaintiff will be
4 accorded one additional opportunity. To simplify the process, plaintiff will be directed to submit
5 a short Supplement to the FAC. The Supplement must identify specific facts demonstrating that
6 each defendant *knew* that plaintiff's foot and leg symptoms posed a significant risk to his health
7 but disregarded the risk. If the risk was obvious to a defendant, plaintiff must say so and explain
8 why. Plaintiff should not repeat the allegations of the FAC except to show how each defendant
9 *knew* their failure to adequately treat plaintiff's serious medical needs put him at greater risk of
10 complications and injury.

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. The findings and recommendations filed November 18, 2019, are vacated.

13 2. Within thirty (30) days after the filing date of this order, plaintiff shall file a short
14 "Supplement to the FAC" which bears the case number assigned this case. The Supplement shall
15 be no more than five (5) pages in length and shall allege how each named defendant was
16 deliberately indifferent to plaintiff's serious medical needs under Eighth Amendment standards,
17 as set forth above and in the court's October 30, 2019 order.

18 3. The Clerk of Court is directed to send to plaintiff, together with a copy of this order:
19 (1) a copy of this court's order filed October 30, 2019 (ECF No. 10), and (2) a copy of plaintiff's
20 FAC (ECF No. 14).

21 4. Failure of plaintiff to timely file the required Supplement will result in a
22 recommendation that this action be dismissed without prejudice.

23 DATED: December 4, 2019

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25 ALLISON CLAIRE
26 UNITED STATES MAGISTRATE JUDGE
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