

1 **II. Analysis**

2 Plaintiff alleges that he suffers from an “ongoing medical issue” and that, prior to being
3 sent to High Desert State Prison, he had been prescribed “medical appliances” as
4 accommodations. ECF No. 17 at 3. Plaintiff does not identify either the medical issue from
5 which he suffers or the medical appliances denied. Plaintiff is also vague as to his interactions
6 with defendants. He claims that defendant Kelsey had several racially charged exchanges with
7 him in the days preceding Taber’s revocation of his medical appliances. *Id.* Kelsey allegedly
8 told some unspecified lie to Taber, plaintiff’s physician, causing the latter to rescind plaintiff’s
9 prescriptions. *Id.* I cannot tell either if Taber is alleged to have acted mistakenly but in good
10 faith, or if plaintiff believes that Taber acted in concert with Kelsey. Plaintiff alleges that the
11 prison warden was made aware of his issues with the aforementioned defendants through the
12 prison grievance process but failed to take corrective action. *Id.* at 4. Here again, however,
13 plaintiff does not allege what facts his grievance apprised the warden of. These allegations are
14 too vague to state a cognizable claim against any defendant. *See Ashcroft*, 556 U.S. at 678 (“The
15 pleading standard Rule 8 announces does not require detailed factual allegations, but it demands
16 more than an unadorned, the-defendant-unlawfully-harmed-me accusation.”).

17 Plaintiff may amend his complaint. If he chooses to do so, the amended complaint will
18 supersede the current one. *See Lacey v. Maricopa County*, 693 F. 3d 896, 907 n.1 (9th Cir. 2012)
19 (en banc). This means that the amended complaint will need to be complete on its face without
20 reference to the prior pleading. *See* E.D. Cal. Local Rule 220. Once an amended complaint is
21 filed, the current complaint no longer serves any function. Therefore, in an amended complaint,
22 as in an original complaint, plaintiff will need to assert each claim and allege each defendant’s
23 involvement in sufficient detail. The amended complaint should be titled “Second Amended
24 Complaint” and refer to the appropriate case number. If plaintiff does not file an amended
25 complaint, I will recommend that this action be dismissed.

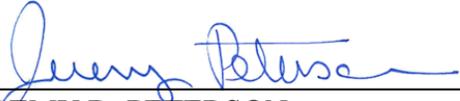
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Accordingly, it is ORDERED that:

1. Within thirty days from the service of this order, plaintiff must either file another Amended Complaint or advise me that he wishes to stand by his current complaint. If he selects the latter option, I will recommend that this action be dismissed.
2. Failure to comply with this order may result in the dismissal of this action.
3. The Clerk of Court is directed to send plaintiff a complaint form.

IT IS SO ORDERED.

Dated: September 16, 2022



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE