

1 fails to state a claim upon which relief may be granted,” or “seeks monetary relief from a
2 defendant who is immune from such relief.” *Id.* § 1915A(b). Pro se pleadings must be
3 liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir.
4 1990).

5 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two elements:
6 (1) that a right secured by the Constitution or laws of the United States was violated, and
7 (2) that the alleged violation was committed by a person acting under the color of state
8 law. *West v. Atkins*, 487 U.S. 42, 48 (1988).

9 II Legal Claims

10 The second amended complaint was extremely lengthy, included over one
11 hundred Defendants and over fifty claims and sub-claims. Because the claims were so
12 wide-ranging and arose out of many distinct and unrelated incident, the Court found
13 them to be improperly joined under Rule 20(a) of the Federal Rules of Civil Procedure.
14 The second amended complaint was dismissed on these grounds, but plaintiff was given
15 leave to file a further amended complaint in order to cure this problem. Plaintiff’s third
16 amended complaint does not do so because it continues to set forth a large number of
17 unrelated, and improperly joined, claims and Defendants.

18 Rule 20(a) provides,

19 All persons. . . may be joined in one action as defendants if there is
20 asserted against them jointly, severally, or in the alternative, any right to
21 relief arising out of the same transaction, occurrence or series of
22 transactions or occurrences *and* if any question of law or fact common to
23 all defendants will arise in the action.

24 F. R. Civ. P. 20(a) (emphasis added). Like the second amended complaint, the third
25 amended complaint is over one hundred pages long, includes over one hundred
26 defendants (approximately eighty of whom are named), and sets forth over fifty distinct
27 claims. Also like the second amended complaint, the claims in the third amended
28 complaint are extremely varied and largely unrelated, including the denial of certain

1 items of clothing, interference with mail, retaliation, prison transfers, denial of
2 administrative grievances, compliance with the Americans with Disabilities Act,
3 placement in administrative segregation, confiscation of personal and legal property,
4 denial of visitors, insufficient medical care, and allegations of conspiracy. In addition,
5 these claims arise out of a broad array of largely unrelated incidents that occurred over a
6 three-year period between 2005 and 2008.

7 When Plaintiff was given leave to amend his second amended complaint, he was
8 instructed that the new amended complaint must comply with Federal Rule of Civil
9 Procedure 20(a) concerning joinder of claims and defendants. Specifically, he was
10 instructed that he cannot “assert a grab-bag of unrelated claims against different
11 defendants,” which is precisely what he has done. Indeed, he was informed:

12 In his amended complaint, Plaintiff may only allege claims that (a) arise
13 out of the same transaction, occurrence, or series of transactions or
14 occurrences and (b) present questions of law or fact common to all
defendants named therein. Claims that do not satisfy Rule 20(a) must be
alleged in separate complaints filed in separate actions.

15 Plaintiff has not followed these instructions insofar as his third amended complaint
16 continues to set forth a vast array of unrelated and improperly joined defendants and
17 claims. Plaintiff was cautioned that his failure to follow the instructions for amendment
18 would result in the dismissal of this action. As the third amended complaint continues to
19 fail to comply with Rule 20(a), it will be dismissed. Moreover, as Plaintiff has had a
20 number of prior opportunities to amend and has been unable cure the deficiencies of his
21 prior complaints, further leave to amend will not be granted.

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1 **CONCLUSION**

2 For the foregoing reasons and for good cause shown, this action is DISMISSED.
3 The Clerk shall close the file, enter judgment against Defendants and terminate any
4 pending motions on the Court's docket.

5 IT IS SO ORDERED.

6 DATED: November 8, 2010

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9 JEFFREY S. WHITE
10 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 ERIC C R KNAPP et al,
6 Plaintiff,
7

Case Number: CV08-00719 JSW

CERTIFICATE OF SERVICE

8 v.

9 JAMES TILTON et al,
10 Defendant.
_____ /

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
12 Court, Northern District of California.

13 That on November 8, 2010, I SERVED a true and correct copy(ies) of the attached, by placing
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
16 delivery receptacle located in the Clerk's office.

17 Eric Charles Rodney Knapp
18 J-10618
19 Sierra Conservation Center
5150 O'Byrnes Ferry Road
Jamestown, CA 95327

20 Dated: November 8, 2010


21 Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk
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