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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

United States District Court  
For the Northern District of California

REGINALD B. DeJOHNETTE,	)	No. C 08-5604 MMC (PR)
Plaintiff,	)	<b>ORDER GRANTING EXTENSION OF TIME TO FILE AMENDED COMPLAINT; DENYING AS UNNECESSARY MOTION TO EXCEED PAGE LIMITATION; DISMISSING AMENDED COMPLAINT WITH LEAVE TO AMEND</b>
v.	)	
S. HUBBARD, et al.,	)	
Defendants.	)	
_____	)	

**(Docket Nos. 14, 15, 16)**

On December 16, 2008, plaintiff, a California prisoner then incarcerated at the Correctional Training Facility at Soledad (“CTF-Soledad”) and proceeding pro se, filed the above-titled civil rights action under 42 U.S.C. § 1983. Thereafter, the Court dismissed the complaint under Rule 8(a) of the Federal Rules of Civil Procedure, on the ground the allegations in the complaint were so lengthy, repetitive and unnecessarily detailed that the Court could not readily determine whether plaintiff stated cognizable claims for relief against any of the named defendants. The Court granted plaintiff leave to file an amended complaint “in which he clearly and succinctly sets forth each claim for relief and links each defendant to the alleged injury, or injuries, for which that defendant is alleged to be responsible.” (Order, filed Aug. 24, 2009, at 4:5-7.) Plaintiff has filed an amended complaint, which the

1 Court now reviews.<sup>1</sup>

2 **DISCUSSION**

3 A. Standard of Review

4 A federal court must conduct a preliminary screening in any case in which a prisoner  
5 seeks redress from a governmental entity or officer or employee of a governmental entity.  
6 See 28 U.S.C. § 1915A(a). In its review, the court must identify any cognizable claims and  
7 dismiss any claims that are frivolous, malicious, fail to state a claim upon which relief may  
8 be granted or seek monetary relief from a defendant who is immune from such relief. See id.  
9 § 1915A(b)(1),(2). Pro se pleadings must, however, be liberally construed. See Balistreri v.  
10 Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1988).

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

15 B. Plaintiff's Claims

16 The amended complaint is twenty-six pages long and names twenty-six defendants.  
17 The events referenced in the complaint occurred between 2005 and 2009. According to  
18 plaintiff, all of the defendants have, in one way or another, denied him due process and  
19 access to the courts either by refusing to process his administrative appeals and/or denying  
20 him the ability to send and receive "confidential legal mail." (AC at Q3:8-23.)

21 Although the Court has been able to discern the above from the allegations in the  
22 amended complaint, the Court is unable to determine, as was the case with plaintiff's original  
23 complaint, whether the amended complaint states cognizable claims for relief against each of  
24 the named defendants. Specifically, as with the original complaint, plaintiff has alleged so

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26 <sup>1</sup>Good cause appearing, plaintiff's requests for an extension of time to file the  
27 amended complaint will be granted. Consequently, the amended complaint is deemed timely.  
28 Further, plaintiff's request to exceed applicable page limitations will be denied as  
unnecessary. Northern District Local Rule 7-4 applies to the length of briefs or memoranda  
filed in support of an opposition or reply, not to the length of a pleading.

1 many facts pertaining to so many different events and defendants that the amended complaint  
2 fails to meet the requirement of Rule 8(a), specifically, the amended complaint does not set  
3 forth “a short and plain statement of the claim showing that the pleader is entitled to relief.”  
4 Fed. R. Civ. P. 8(a)(2). Additionally, the amended complaint does not meet the requirements  
5 of Rule 8(d), which Rule provides that each allegation of a pleading “must be simple,  
6 concise, and direct.” Fed. R. Civ. P. 8(d)(1).

7         The amended complaint also appears to be replete with improperly joined claims and  
8 defendants. A plaintiff may properly join as many claims as he has against an opposing  
9 party. Fed. R. Civ. P. 18(a). Nevertheless, while multiple claims against a single party may  
10 be alleged in a single complaint, unrelated claims against different defendants must be  
11 alleged in separate complaints. See George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)  
12 (finding, under Rule 18(a), prisoner improperly brought complaint raising fifty distinct  
13 claims against twenty-four defendants). Further, parties may be joined as defendants only if  
14 “any right to relief is asserted against them jointly, severally, or in the alternative, with  
15 respect to or arising out of the same transaction, occurrence, or series of transactions and  
16 occurrences,” Fed. R. Civ. P. 20(a)(2)(A), and, “any question of law or fact common to all  
17 defendants will arise in the action,” Fed. R. Civ. P. 20(a)(2)(B). As a practical matter, this  
18 means that claims involving different parties cannot be joined together in one complaint if  
19 the events giving rise to the claims were not factually related in some way – that is, if there  
20 was not “similarity in the factual background.” Coughlin v. Rogers, 130 F.3d 1348, 1350  
21 (9th Cir. 1997). General allegations are not sufficient to constitute similarity when the  
22 specifics are different. Id.

23         In sum, under the above-referenced Federal Rules, plaintiff can proceed with all of his  
24 claims against all of the named defendants only if he can assert against each defendant a right  
25 to relief that meets the requirements of Rule 20(a). It is clear from the allegations in the  
26 amended complaint, however, that the right to relief plaintiff asserts against the twenty-six  
27 named defendants, for events that occurred over a four-year period of time, did not arise out  
28 of “the same transaction, occurrence, or series of transactions and occurrences” and that there




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4. It is plaintiff's responsibility to prosecute this case. Plaintiff must keep the Court informed of any change of address and must comply with the Court's orders in a timely fashion. Failure to do so may result in the dismissal of this action, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

This order terminates Docket Nos. 14, 15 and 16.

IT IS SO ORDERED.

DATED: August 2, 2010

  
MAKINE M. CHESNEY  
United States District Judge