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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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9 RAYMOND A. GREEN, E68189,)
10 Plaintiff(s),) No. C 12-5933 CRB (PR)
11 vs.) ORDER OF DISMISSAL WITH
12 T. TAYLOR, et al.,) LEAVE TO AMEND
13 Defendant(s).)
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15 Plaintiff, a prisoner at Salinas Valley State Prison (SVSP), has filed a pro
16 se complaint for damages under 42 U.S.C. § 1983 claiming "excessive force/
17 cruel and unusual punishment," "medical denial" and "damage/and destroyed
18 property."

19 **DISCUSSION**

20 A. Standard of Review

21 Federal courts must engage in a preliminary screening of cases in which
22 prisoners seek redress from a governmental entity or officer or employee of a
23 governmental entity. 28 U.S.C. § 1915A(a). The court must identify cognizable
24 claims or dismiss the complaint, or any portion of the complaint, if the complaint
25 "is frivolous, malicious, or fails to state a claim upon which relief may be
26 granted," or "seeks monetary relief from a defendant who is immune from such
27 relief." Id. § 1915A(b). Pro se pleadings must be liberally construed, however.
28 Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990).

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

5 B. Legal Claims

6 Plaintiff seeks damages from several named defendants, claiming
7 "excessive force/cruel and unusual punishment," "medical denial" and
8 "damage/and destroyed property." But plaintiff alleges no specific facts in
9 support of his claims and does not link any of the named defendants with his
10 claims of wrongdoing. He simply attaches numerous exhibits to his complaint
11 and directs the court and defendants to review them. This will not do.

12 In order to proceed with claims for monetary relief under § 1983 against
13 individual defendants, plaintiff must allege specific facts showing how each
14 named defendant actually and proximately caused the deprivation of his federally
15 protected rights of which he complains. See Leer v. Murphy, 844 F.2d 628, 633-
16 34 (9th Cir. 1988). Plaintiff's claims will be dismissed with leave to amend to set
17 forth specific facts showing how his federal rights were violated and how each
18 named defendant actually and proximately caused the deprivation of his federal
19 rights of which he complains. See id. A prison official cannot be liable for
20 damages under § 1983 simply because he is responsible for the actions or
21 omissions of another. See Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989).

22 **CONCLUSION**

23 For the foregoing reasons, the complaint is dismissed with leave to amend,
24 as indicated above, within 30 days of this order. The pleading must be simple
25 and concise and must include the caption and civil case number used in this order
26 and the words FIRST AMENDED COMPLAINT on the first page. Failure to
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1 file a proper amended complaint within the designated time will result in the
2 dismissal of this action.

3 Plaintiff is advised that the amended complaint will supersede the original
4 complaint and all other pleadings. Claims and defendants not included in the
5 amended complaint will not be considered by the court. See King v. Atiyeh, 814
6 F.2d 565, 567 (9th Cir. 1987).

7 SO ORDERED.

8 DATED: March 7, 2013



CHARLES R. BREYER
United States District Judge