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

REGONALD D. PHILLIPS,  
Plaintiff,

No. C 07-0979 CW (PR)  
ORDER OF DISMISSAL

v.

STATE OF CALIFORNIA, et al.,  
Defendants.

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Plaintiff Regonald D. Phillips, a state prisoner, filed the present pro se civil rights action pursuant to 42 U.S.C. § 1983 alleging constitutional rights violations. He has been granted leave to proceed in forma pauperis.

The Court conducted an initial screening of the complaint pursuant to 28 U.S.C. § 1915A(a). Plaintiff asserted that he has been subjected to continuous violations of his constitutional rights, due to deliberate indifference by prison officials, for the past fifteen years. The Court found that Plaintiff failed to provide any additional facts and that his allegations were not sufficient to state a plausible claim that his constitutional rights were violated. Therefore, the Court dismissed the complaint with leave to amend to cure this pleading deficiency. In amending, Plaintiff was directed to provide enough facts to explain which

1 constitutional rights were violated, in what way and by whom during  
2 the past fifteen years. Plaintiff was also directed to allege  
3 facts sufficient to show that Defendants' actions rose to the level  
4 of constitutional violations. Finally, Plaintiff was directed to  
5 show that he exhausted his administrative remedies with respect to  
6 the deliberate indifference claims in his complaint before he filed  
7 his suit. In the section of the complaint form where Plaintiff was  
8 asked to write the names of all Defendants he named the State of  
9 California, the CDCR and all CDCR employees. The Court dismissed  
10 all claims against the State of California and the CDCR because  
11 neither the State nor state agencies can be sued in federal court.  
12 The Court found that Plaintiff could not sue any CDCR employees as  
13 Defendants without naming and linking them each specifically to his  
14 deliberate indifference claims. Therefore, Plaintiff's claims  
15 against all CDCR employees were dismissed with leave to amend to  
16 name the individually responsible defendants. The Court granted  
17 Plaintiff thirty days to file an amended complaint to cure the  
18 pleading deficiencies, or to suffer dismissal of the action.

19 Plaintiff subsequently filed an amended complaint. The  
20 amended complaint simply reiterates the same vague allegations that  
21 were stated in the original complaint, including allegations of  
22 "numerous countless conspiracies -- covert and overt --  
23 intentional, malicious acts of harm against [his] personal being  
24 from 1992 to present date 12-12-2008." (Am. Compl. at 3.) He  
25 claims that he has attached a "chronological history of  
26 disciplinary inraction [sic] sheet . . . which list[s] all  
27 disciplinary C.D.C.R. illegall [sic] actions against [him]" in  
28 order "to substantiate [his] claims." (Id.) However, nowhere in

1 his amended complaint does Plaintiff allege facts sufficient to  
2 show that the prison officials' actions rose to the level of  
3 constitutional violations. While Plaintiff states that he  
4 "exhausted all 602 levels," he has failed to explain how he  
5 exhausted his administrative remedies with respect to any alleged  
6 deliberate indifference claims before he filed suit. Finally,  
7 Plaintiff claims that the "Directors of C.D.C.R. and all their  
8 subordinates have subjected [him] to false persecution and  
9 prosecution as well as the lost [sic] of all [his] personal  
10 property and all of [his] legal documents." (Id.) The Court finds  
11 that Plaintiff has failed to name the individually responsible  
12 defendants and to link them specifically to his deliberate  
13 indifference claims.

14 The Court has reviewed Plaintiff's amended complaint and finds  
15 that it does not cure the pleading deficiency identified in the  
16 Court's Order dismissing the original complaint with leave to  
17 amend. Accordingly, Plaintiff's claims are DISMISSED with  
18 prejudice and without leave to amend.

19 The Clerk of the Court shall terminate all pending motions and  
20 close the file.

21 IT IS SO ORDERED.



22 Dated: 1/13/09

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CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 REGONALD D PHILLIPS,

5 Plaintiff,

6 v.

7 THE STATE OF CALIF et al,

8 Defendant.

Case Number: CV07-00979 CW

**CERTIFICATE OF SERVICE**

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

11 That on January 13, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
14 in the Clerk's office.

15 Regonald D. Phillips E-40142  
16 CSP - Corcoran  
17 4A-1L-40  
18 P.O. Box 3476  
19 Corcoran, CA 93212-3476

20 Dated: January 13, 2009

21 Richard W. Wiekling, Clerk  
22 By: Sheilah Cahill, Deputy Clerk  
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United States District Court  
For the Northern District of California