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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5 TODD ASHKER and DANNY TROXELL,

No. 09-05796 CW

6 Plaintiffs,

ORDER REGARDING

7 v.

PLAINTIFFS'

REQUEST FOR

CLARIFICATION

8 ARNOLD SCHWARZENEGGER, et al.,

9 Defendants.

10 _____/

11
12 On December 9, 2009, Plaintiffs Todd Ashker and Danny Troxell,
13 inmates at Pelican Bay State Prison proceeding pro se, submitted a
14 ninety-five page complaint suing twenty-four Defendants. The Court
15 issued a pre-screening order dismissing several claims addressing
16 the Bureau of Prison Hearings' (BPH) parole procedures and
17 indicating that Plaintiffs must provide fair notice to each
18 Defendant of the claims alleged against him or her and the grounds
19 upon which each claim rested by alleging, in the section addressing
20 each claim, each Defendant's conduct that violated Plaintiffs'
21 federal rights. Plaintiffs filed a motion for the Court to
22 reconsider dismissing their parole procedures claims, which the
23 Court granted. Plaintiffs then submitted a ninety-nine page First
24 Amended Complaint (1AC) suing twenty-five Defendants. In its
25 December 20, 2010 order screening the 1AC, the Court noted that the
26 1AC did not contain the parole procedures claims and allowed
27 Plaintiffs to file a supplemental complaint containing those
28 claims.

1 Plaintiffs now file a motion for clarification of the December
2 20, 2010 Order regarding their parole procedures claims. They
3 point to paragraphs in the complaint that, they say, constitute
4 these claims. The Court has reviewed the paragraphs Plaintiffs
5 cite and finds that several of these paragraphs briefly mention the
6 denial of parole. These brief allusions to the denial of parole,
7 embedded within long paragraphs containing many other allegations,
8 can hardly put the BPH Defendants on notice of the factual or legal
9 allegations against them. However, the Court does not wish
10 Plaintiffs to submit yet another filing before they can serve their
11 complaint. The fact that Plaintiffs have cited the paragraphs that
12 include the allegations against the BPH Defendants should be
13 sufficient, if barely so, to put these Defendants on notice of the
14 claims asserted against them.

15 Therefore, Plaintiffs are not required to submit a
16 supplemental complaint. When they serve Defendants with their
17 summons and complaint, they must also include the Orders of the
18 Court and their January 5, 2011 Request for Clarification.

19

20 IT IS SO ORDERED.

21

22 Dated: 1/6/2011

23


CLAUDIA WILKEN
United States District Judge

24

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

4 TODD ASHKER et al,

Case Number: CV09-05796 CW

5 Plaintiff,

CERTIFICATE OF SERVICE

6 v.

7 ARNOLD SCHWARZENEGGER et al,

8 Defendant.
_____ /

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

11 That on January 7, 2011, 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 Danny Troxell
16 Pelican Bay State Prison
17 B76578
18 P.O. Box 7500
19 D1-120
20 Crescent City, CA 95532

21 Todd Ashker C58191
22 Pelican Bay State Prison
23 P.O. Box 7500
24 D1-SHU
25 Crescent City, CA 95532

26 Dated: January 7, 2011

27 Richard W. Wiekling, Clerk
28 By: Nikki Riley, Deputy Clerk