

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ACHILLES CORELLEONE,
Plaintiff,

No. C 11-4338 PJH (PR)

vs.

ORDER OF DISMISSAL

RANDY GROUNDS; MATHEW CATE;
BILL ZIKA, PhD; V. LOMELLI; Capt.
MARTINEZ; D. FOSTER; C.D.
REECE; L. KENNAMORE; and JOHN
DOES 1-10,
Defendants.

United States District Court
For the Northern District of California

This is a civil rights case filed pro se by a state prisoner. The complaint was dismissed with leave to amend because plaintiff had provided only “the most conclusory allegations” The court set out the pleading standard described in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009), and concluded that the allegations were far from sufficient to state a plausible claim for relief. Plaintiff’s motion for an extension of time to amend (document number 8 on the docket) is **GRANTED**. The amendment is deemed timely.

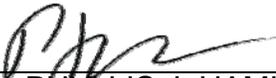
The amendment is not an improvement on the original complaint. In the “Grounds for Relief” section, plaintiff merely lists his claims; for instance: “Claim One: Violation of Due process placing me on “C/C” (hard C status) for an administrative Rules Violation Report for 5 month[s] & 1 day; Claim Two: Violation of Due Process by misclassifying RVR’s and putting me on “C” status for 90 days or more,” and so on. There are no factual allegations as to what each defendant actually did that purportedly violated his rights, and no factual allegations that suggest the violation of federal law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiff was afforded an opportunity to plead facts what would plausibly give rise to an entitlement to relief, and has not done so. The case is **DISMISSED** for failure to state a claim. The clerk shall close the file.

IT IS SO ORDERED.

Dated: July 30, 2012.



PHYLLIS J. HAMILTON
United States District Judge