

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

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4 LEMOND SCRUGGS,  
5 Plaintiff,  
6 v.  
7 T.N.D.C. HOUSING, et al.,  
8 Defendants.

Case No. 16-cv-06470-PJH

**ORDER DENYING MOTION FOR  
LEAVE TO AMEND COMPLAINT**

Re: Dkt. No. 6

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11 Before the court is pro se plaintiff Lemond Scruggs' motion to amend his  
12 complaint. Dkt. 6. On November 11, 2016, the court dismissed plaintiff's prior complaint,  
13 and provided that any amended complaint must be filed with the court by December 12.

14 It is not clear whether plaintiff's motion is meant to constitute his amended  
15 complaint, or is instead a request for permission to amend his complaint. To the extent  
16 that the filing is a request for leave to amend, the court DENIES the motion as moot. The  
17 court's earlier order has already provided plaintiff permission to amend his complaint. If  
18 plaintiff wishes to amend his complaint, he need only file with the court a document with  
19 the title "Amended Complaint" in the caption. The December 12 deadline set by the  
20 court's prior order, however, remains intact.

21 To the extent that the motion itself is intended to be the amended complaint,  
22 plaintiff's new filing has not remedied the deficiencies that the court described in its prior  
23 order. Plaintiff still has not explained the specific legal basis for his claims or how any of  
24 the injuries he suffered constitute a violation of federal law. Although plaintiff makes  
25 several new allegations about the condition of the premises of the Ambassador Hotel  
26 ("inadequate security," "missing or defective carbon monoxide detectors," "windows not  
27 working," etc.), he does not explain why these conditions represent racial discrimination  
28 or a failure to accommodate his (unspecified) disability.

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Instead, plaintiff's amended complaint repeats, nearly verbatim, his allegations that defendant failed to stop repeated burglaries that occurred while he was a resident at the Ambassador Hotel. Plaintiff still does not explain how defendant's actions or his subsequent eviction were motivated by race or disability. Finally, to the extent that plaintiff still seeks to make a claim under 42 U.S.C. § 1983, he has not explained why defendant is a state actor subject to this statute.

The motion to amend the complaint is therefore DENIED. To prevent dismissal of this case, plaintiff must file an amended complaint by December 12 that explains the specific legal basis for his claims and the specific factual allegations that support his claims.

**IT IS SO ORDERED.**

Dated: December 1, 2016



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PHYLLIS J. HAMILTON  
United States District Judge