

1 v. Connor, 490 U.S. 386 (1989). Excessive force claims which arise in the context of an
2 arrest or investigatory stop of a free citizen are analyzed under the Fourth Amendment
3 reasonableness standard. See Graham v. Connor, 490 U.S. 386, 394-95 (1989)

4 Plaintiff's complaint is nevertheless deficient because he fails to state the specific
5 action of each officer which lead to his injuries. He names several individuals in the
6 county complaint forms under question 5, "What are the names of county or district
7 officers, servants, or employees causing the damage or injury?" but fails to describe how
8 each of these named individuals are responsible for his alleged injuries. In the very least,
9 Plaintiff must show how he is able to identify these individuals as being liable, even if he
10 is unable to identify them from his own recollection of the incident. Liability may be
11 imposed on an individual defendant under 42 U.S.C. § 1983 if the plaintiff can show that
12 the defendant proximately caused the deprivation of a federally protected right. See Leer
13 v. Murphy, 844 F.2d 628, 634 (9th Cir. 1988); Harris v. City of Roseburg, 664 F.2d 1121,
14 1125 (9th Cir. 1981). A person deprives another of a constitutional right within the
15 meaning of section 1983 if he does an affirmative act, participates in another's affirmative
16 act or omits to perform an act which he is legally required to do, that causes the
17 deprivation of which the plaintiff complains. See Leer, 844 F.2d at 633. The inquiry into
18 causation must be individualized and focus on the duties and responsibilities of each
19 individual defendant whose acts or omissions are alleged to have caused a constitutional
20 deprivation. See id. (citations omitted). Plaintiff will be given leave to amend to attempt
21 to cure these deficiencies, and to do so by using the court's form complaint.

22 23 CONCLUSION

24 1. The complaint is DISMISSED with leave to amend within **thirty (30) days**
25 from the date this order is filed to cure the deficiencies described above. The amended
26 complaint must include the caption and civil case number used in this order (09-00720 JF
27 (PR)) and the words FIRST AMENDED COMPLAINT on the first page. Because an
28 amended complaint completely replaces the previous complaints, Plaintiff must include in

1 his amended complaint all the claims he wishes to present and all of the defendants he
2 wishes to sue. See Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992). Plaintiff
3 may not incorporate material from the prior complaint by reference. **Failure to file an**
4 **amended complaint in accordance with this order will result in dismissal of this**
5 **action without further notice to Plaintiff.**

6 2. It is Plaintiff's responsibility to prosecute this case. Plaintiff must
7 keep the Court informed of any change of address by filing a separate paper with the clerk
8 headed "Notice of Change of Address." He must comply with the Court's orders in a
9 timely fashion or ask for an extension of time to do so. Failure to comply may result in
10 the dismissal of this action pursuant to Federal Rule of Civil Procedure 41(b).

11 3. The Clerk of the Court shall include two copies of the court's form
12 complaint with a copy of this order to Plaintiff.

13 IT IS SO ORDERED.

14
15 DATED: 8/9/10 _____

16 
17 JEREMY FOGEL
18 United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

EDJUAN SCOTT,
Plaintiff,

Case Number: CV09-00720 JF

CERTIFICATE OF SERVICE

v.

ANTIOCH POLICE DEPT.,
Defendants.

_____/

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

That on 8/17/10, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Edjuan C. Scott CC08AD969
Martinez Detention Facility
901 Court Street
D-Module #27
Martinez, CA 94553

Dated: 8/17/10

Richard W. Wieking, Clerk