

United States District Court

For the Northern District of California

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

On March 16, 2012, Plaintiff filed the instant civil rights action under 42 U.S.C. § 1983. Plaintiff's motion for leave to proceed in forma pauperis, (Docket No. 4), will be granted in a separate order.

DISCUSSION

Plaintiff claims that he suffers from various mental health illnesses and has been on “prescribed” medication for over 15 years. (Compl. at 3.) He claims that since his confinement at the San Francisco County Jail, he has been denied his medication and has since gone into a “deep depression, stress, anxiety, panic, paranoia, etc....” (Id.) Plaintiff wants his medication back before his condition worsens. (Id.)

1 Plaintiff's allegations are insufficient to state a claim. To state a claim under
2 42 U.S.C. § 1983, a plaintiff must allege that a person acting under the color of state
3 law committed a violation of a right secured by the Constitution or laws of the
4 United States. West v. Atkins, 487 U.S. 42, 48 (1988). Here, Plaintiff fails to meet
5 either criteria as he does not identify the individual defendants responsible for the
6 deprivation of his mediation nor states how that deprivation violates a constitutional
7 right.

8 In the interest of justice, the complaint is DISMISSED WITH LEAVE TO
9 AMEND. In his amended complaint, Plaintiff must identify defendants by name and
10 state how each individual defendant violated a specific federal right.

11
12 **CONCLUSION**

13 For the foregoing reasons, the Court orders as follows:

14 The complaint is DISMISSED with leave to amend. Within **twenty-eight**
15 **(28) days** of the date this order is filed, Plaintiff shall file an amended complaint
16 using the court's form complaint. The amended complaint must include the caption
17 and civil case number used in this order and the words "AMENDED COMPLAINT"
18 on the first page and write in the case number for this action, Case No. C 12-01343
19 EJD (PR).

20 **Failure to respond in accordance with this order by filing an amended**
21 **complaint will result in the dismissal of this action without prejudice and**
22 **without further notice to Plaintiff.**

23 The Clerk shall include two copies of the court's complaint with a copy of
24 this order to Plaintiff.

25
26 DATED: 8/3/2012


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JULIO O. VALLE,

Case Number: CV12-01343 EJD

Plaintiff,

CERTIFICATE OF SERVICE

v.

SAN FRANCISCO COUNTY JAIL,

Defendant.

/

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 8/7/2012, 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.

Julio O Valle 11683660
850 Bryant St. - CJ4
San Francisco, CA 94103

Dated: 8/7/2012

Richard W. Wiekling, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk