

## ORDER OF DISMISSAL WITH LEAVE TO AMEND

[Dockets.Justia.com](http://Dockets.Justia.com)

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

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

### CONCLUSION

For the foregoing reasons, the Court orders as follows:

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

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

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

DATED: 8/3/2012

  
EDWARD J. DAVILA  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JULIO O. VALLE,

Plaintiff,

v.

SAN FRANCISCO COUNTY JAIL,

Defendant.

---

Case Number: CV12-01343 EJD

**CERTIFICATE OF SERVICE**

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. Wieking, Clerk  
/s/ By: Elizabeth Garcia, Deputy Clerk