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

RANDALL PIERCE,
Plaintiff,
vs.
SAN MATEO COUNTY,
Defendant.

No. C 12-05362 EJD (PR)
ORDER OF DISMISSAL WITH LEAVE
TO AMEND

On October 17, 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. 5), will be granted in a separate order.

DISCUSSION

Plaintiff first filed a request for forms (Docket No. 1) and then a request for case related relief (Docket No. 4) that the Court construes as a complaint. The complaint simply states that Plaintiff seeks relief then includes thirteen pages of inmate appeals raising a wide range of different unrelated grievances. The appeals discuss his need for the law library, a request for a bible, envelopes and other miscellaneous requests.

Plaintiff’s allegations are insufficient to state a claim. To state a claim under 42

1 U.S.C. § 1983, a plaintiff must allege that a person acting under the color of state law
2 committed a violation of a right secured by the Constitution or laws of the United States.
3 West v. Atkins, 487 U.S. 42, 48 (1988). Here, Plaintiff fails to meet either criteria as he
4 does not identify any individual defendants nor sets forth any violations of a
5 constitutional right.

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

9
10 **CONCLUSION**

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

12 The complaint is DISMISSED with leave to amend. Within **twenty-eight (28)**
13 **days** of the date this order is filed, Plaintiff shall file an amended complaint using the
14 court's form complaint. The amended complaint must include the caption and civil case
15 number used in this order and the words "AMENDED COMPLAINT" on the first page
16 and write in the case number for this action, Case No. C 12-05362 EJD (PR).

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

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

22
23 DATED: 12/6/2012


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RANDALL PIERCE,
Plaintiff,

Case Number: CV12-05362 EJD

CERTIFICATE OF SERVICE

v.

SAN MATEO COUNTY et al,
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 December 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.

Randall Pierce 1082515
Maguire Correctional
300 Bradford Street
Redwood City, CA 94063

Dated: December 7, 2012

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