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

ALFRED R. KIDD,	)	No. C 12-06498 EJD (PR)
Plaintiff,	)	ORDER OF DISMISSAL WITH LEAVE
vs.	)	TO AMEND
B. PHILLIPS, et. al.,	)	
Defendant.	)	

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Plaintiff, a state prisoner at California Men’s Colony, filed the instant civil rights action in pro se pursuant to 42 U.S.C. § 1983. Plaintiff’s motion for leave to proceed in forma pauperis will be granted in a separate written order.

**DISCUSSION**

The only filing in this case is Plaintiff’s proposed order to show cause for a temporary restraining order. (Docket No. 1.) However, it is not clear the relief Plaintiff seeks. Plaintiff discusses how inmate appeals were screened out regarding an incident where he may or may not have been denied a meal. He also describes ongoing problems with his meals an diabetes.

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1 Plaintiff's confusing allegations are insufficient to state a claim. To state a claim  
2 under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under the color of  
3 state 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 has identified a  
5 few individuals but has failed to sufficiently describe how they violated his rights.

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**

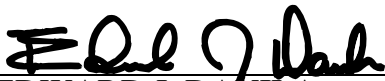
11 For the foregoing reasons, the Court orders as follows:

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 12-06498 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: 2/4/2013

  
EDWARD J. DAVILA  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ALFRED R. KIDD,

Plaintiff,

Case Number CV 12-06498 EJD (PR)

vs.

**CERTIFICATE OF SERVICE**

B. PHILLIPS, et. al.,

Defendant.

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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 2/6/2013, 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) inter-office delivery receptacle located in the Clerk's office.

**Alfred R. Kidd**

K-55068  
California Men's Colony State Prison  
P. O. Box 8101  
San Luis Obispo, CA 93409-8101

**Prison Trust Account Office**

California Men's Colony State Prison  
P. O. Box 8101  
San Luis Obispo, CA 93409-8101

**Finance Department**

450 Golden Gate Ave., 16th Floor  
San Francisco, CA 94102

DATED: 2/6/2013

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