

1 unable to identify with any reasonable degree of certainty the specific nature of
2 Plaintiff's claims. Consequently, defendants have not been given "fair notice of
3 what the plaintiff's claim is and the grounds upon which it rests." *Bell Atl. Corp. v.*
4 *Twombly*, 550 U.S. 554, 555 (2007).

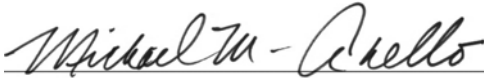
5 Plaintiff appears to claim that California Penal Code § 290.5 violates his equal
6 protection rights by treating him differently than other sex offenders. Section 290.5
7 provides for automatic registration relief upon receipt of a certificate of
8 rehabilitation for some registered sex offenders, but not others. However, Plaintiff
9 fails to allege that he is similarly situated to those sex offenders who do qualify for
10 automatic registration relief. Nor does he allege that the classification scheme as
11 applied to him is irrational. *See D.M. v. Dep't of Just.*, 209 Cal. App. 4th 1439, 1450
12 (Cal. Ct. App. 2012) ("[T]o sustain an equal protection challenge to section 290.5, it
13 must be shown that the classification scheme is irrational.").

14 Thus, Plaintiff's equal protection claim, as currently pled, necessarily fails.
15 Accordingly, the SAC is *sua sponte* **DISMISSED** pursuant to 28 U.S.C. §
16 1915(e)(2)(B). The Court **GRANTS** Plaintiff thirty (30) days from the date of this
17 order to file a third amended complaint curing the deficiencies noted above and in
18 the Court's July 10, 2013 Order. The Court cautions Plaintiff that submitting a third
19 amended complaint that is largely identical to his previously-filed complaints will
20 not be sufficient to cure the deficiencies and will be subject to immediate dismissal.

21 Plaintiff's pending request for appointment of counsel is **DENIED** as moot.

22 **IT IS SO ORDERED.**

23 DATED: August 16, 2013



Hon. Michael M. Anello
United States District Judge

24
25
26
27
28