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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

RAYMOND ALFORD BRADFORD,
Plaintiff,
v.
K. KHAMOOSHIAN, *et al.*,
Defendants.

Case No. 17-cv-02053-BAS-MDD

**ORDER DISMISSING SECOND
AMENDED COMPLAINTS**

[ECF No. 153, 155]

On July 15, 2019, the Court issued an order granting various Defendants’ motions to dismiss and sua sponte dismissing Plaintiff’s remaining claims. (ECF No. 144.) The Court granted Plaintiff leave to amend the following claims: Eighth Amendment claims, Fourteenth Amendment claims, Americans with Disabilities Act/Rehabilitation Act claims, RICO claims, and state law claims. (*See id.* at 24.) The Court dismissed with prejudice other claims and also dismissed with prejudice the following Defendants: Freund, Merritt, Parnell, Wilson, City of San Diego, County of San Diego, and State of California. (*Id.*)

Plaintiff confusingly then filed two separate second amended complaints. (ECF Nos. 153, 155.) One complaint is filed against Defendants Voong, Freund, and Meritt. (ECF No. 155.) The complaint provides that Plaintiff “has brought two defendants (R.

1 Zhang and K. Khamooshian) together in a separate second amended complaint to prevent
2 confusion throughout the cause of litigation.” (*Id.* at 1.) The other complaint appears to
3 be incomplete, with one page of factual allegations that ends in the middle of a sentence,
4 and two pages of attachments following. (ECF No. 153.) It is unclear what Defendants
5 are named in the complaint.


6 Plaintiff cannot pursue two separate complaints in the same action; there can only
7 be one operative complaint in this action. Furthermore, Plaintiff must ensure he provides
8 the Court with all pages of the complaint so the Court can view all of Plaintiff’s allegations.
9 The Court **DISMISSES** both of Plaintiff’s second amended complaints and grants Plaintiff
10 leave to file one complaint that contains all of his allegations against all relevant
11 Defendants.

12 As a reminder, Plaintiff is only granted leave to amend the following claims: Eighth
13 Amendment claims, Fourteenth Amendment claims, Americans with Disabilities
14 Act/Rehabilitation Act claims, RICO claims, and state law claims. (ECF No. 144, at 24.)
15 The following claims were dismissed with prejudice and may not be re-alleged: access to
16 courts claims, conspiracy to commit murder claims, Equal Protection and First Amendment
17 retaliation claims, and “Heck Rule” claims. Further, the following Defendants were
18 dismissed with prejudice: Freund, Merritt, Parnell, Wilson, City of San Diego, County of
19 San Diego, and State of California. (*Id.*)

20 Plaintiff may file an amended complaint on or before September 30, 2019. If
21 Plaintiff does not file an amended complaint by this date, his case will be dismissed for
22 failure to prosecute.

23 **IT IS SO ORDERED.**

24 **DATED: August 30, 2019**


Hon. Cynthia Bashant
United States District Judge