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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTOPHER EDWARD FERGUSON,)
)
Plaintiff(s),)
)
vs.)
)
CHAD BAKER, et al.,)
)
Defendant(s).)
_____)

Case No. 2:16-cv-01525-APG-NJK

ORDER

Plaintiff is proceeding in this action *pro se* and requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*. Docket No. 1. On July 20, 2016, the Court granted Plaintiff’s application, and screened Plaintiff’s complaint pursuant to 28 U.S.C. § 1915. Docket No. 4. The Court dismissed Plaintiff’s complaint with leave to amend. *Id.* The Court identified numerous deficiencies in Plaintiff’s complaint, and provided him an opportunity to cure those defects. *See id.*

I. DISCUSSION

Plaintiff has now filed an amended complaint, which he frames as an action under 42 U.S.C. § 1983. Docket No. 6. Plaintiff contests the decision of three police officers to seize his vehicle, as well as Defendant Fast Tow, Inc.’s subsequent involvement in towing and impounding it. *See, e.g., id.* at 3, 6. It appears that Plaintiff is challenging a seizure that occurred in connection with a traffic citation. *Id.* at 3. In his amended complaint, Plaintiff asserts that Defendant Baker ticketed Plaintiff for a traffic violation, but that Defendant “Baker’s charges were dismissed because he didn’t show up.” *Id.*¹

¹ The Court, notes, however, that Plaintiff asserted in his initial complaint that he was found guilty of a traffic violation. Docket No. 1-1 at 11.

1 conclusory assertions regarding an alleged conspiracy between Defendants John Doe #1 and John
2 Doe #2. Docket No. 6 at 3. These assertions do not satisfy the pleading requirements. *See, e.g.,*
3 *Iqbal*, 556 U.S. at 678. Plaintiff therefore fails to state a claim upon which relief can be granted
4 against these defendants. The Court gives Plaintiff one final opportunity to cure the deficiencies in
5 his complaint.

6 **II. CONCLUSION**

7 Accordingly,

8 **IT IS ORDERED**, for the reasons stated above, that the amended complaint is
9 **DISMISSED**, with leave to amend. Plaintiff shall have until **February 23, 2017**, to file a second
10 amended complaint, if Plaintiff believes he can cure the noted deficiencies. If Plaintiff chooses to
11 file a second amended complaint, he is advised that an amended complaint supersedes (replaces) the
12 original complaint and, thus, the second amended complaint must be complete in itself. *See Hal*
13 *Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that
14 “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading
15 supersedes the original”); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012)
16 (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims
17 in a subsequent amended complaint to preserve them for appeal). Plaintiff’s second amended
18 complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue
19 in this lawsuit. Failure to comply with this Order will result in the recommended dismissal of this
20 case, without prejudice.

21 IT IS SO ORDERED.

22 DATED: January 24, 2017

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24 _____
25 NANCY J. KOPPE
26 United States Magistrate Judge
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