

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JERAD FRANCIS,

Case No. 1:18-cv-00259-TC

Plaintiff,

ORDER

v.

KLAMATH COUNTY JAIL,
SHERIFF OFFICE,

Defendants.

COFFIN, Magistrate Judge:

Plaintiff, appearing pro se, files suit under 42 U.S.C. § 1983 and moves to proceed in forma pauperis. Review of the application reveals that plaintiff is unable to afford the costs of this action, and this action is allowed to proceed without the payment of costs or fees. However, plaintiff's complaint requires amendment.

Plaintiff alleges that Klamath County jail personnel were deliberately indifferent to his medical needs when he experienced chest pain by refusing to record his vital signs, placing him in a freezing cell, and refusing to provide him with medical care. While plaintiff sufficiently alleges deliberate indifference to his medical needs, he does not identify who denied him medical care or indicate when these events occurred. Liability under § 1983 arises only upon a showing

of personal participation, and plaintiff must allege that each named defendant, through his or her own individual actions, violated plaintiff's constitutional rights. *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989). Here, plaintiff names no individual defendants who allegedly violated his constitutional rights. If plaintiff cannot discover the names of the individuals, he may name "John Doe" or "Jane Doe" defendants and must indicate when the alleged deprivation occurred.

CONCLUSION

Plaintiff's Application to Proceed In Forma Pauperis (ECF No. 1) is allowed. Within 30 days after receipt of this Order, plaintiff must file an amended complaint curing the deficiencies noted above.

The Clerk of the Court shall provide plaintiff with a form Prisoner Civil Rights Complaint. Plaintiff's amended complaint shall include the Case No. 1:18-cv-00259-TC. Plaintiff is advised that the failure to file an amended complaint within 30 days will result in dismissal of this action without prejudice.

IT IS SO ORDERED.

DATED this 20 day of February, 2018.



Thomas M. Coffin
United States Magistrate Judge