

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Richard Earl George v. Theresa Cisneros, et al.

George v. Cisneros · No. 1:21-cv-00319 KES GSA (PC) · Decided September 17, 2025

SUMMARY

The United States District Court for the Eastern District of California declined to screen the unrelated claims added in Richard Earl George’s first amended complaint because they changed the nature of the action and involved different events and defendants. The court denied Plaintiff’s motion for a more definite statement and granted him twenty-one days to file a second amended complaint limited to claims related to those in the original complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Gary S. Austin
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 17, 2025
DOCKET	1:21-cv-00319 KES GSA (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se, filed a first amended complaint after removal of his civil-rights action from state court. The court considered whether the amended complaint improperly added unrelated claims and defendants, and whether plaintiff’s filing styled as a motion for a more definite statement should be treated as an amendment or supplemental pleading.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915A, including whether the pleading is frivolous, malicious, fails to state a claim, or seeks relief from an immune defendant; plausibility review under Federal Rule of Civil Procedure 8(a)(2) and Ashcroft v. Iqbal.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status unknown.
PARTIES	Richard Earl George v. Theresa Cisneros, et al.

TOPICS

PRACTICE AREAS

Prisoner civil rights

Civil procedure

Pleading and amendment

QUESTIONS PRESENTED

1. Whether the first amended complaint improperly changed the nature of the action by adding unrelated claims and defendants in violation of the court's prior screening order and the federal joinder rules.
2. Whether the filing styled as a motion for a more definite statement could be considered as an amendment or supplemental pleading related to the first amended complaint.
3. Whether plaintiff should receive a final opportunity to amend the complaint.

HOLDINGS

1. An amended complaint may not change the nature of the action by adding claims and defendants that are unrelated to the claims in the original complaint. Because the first amended complaint concerned different events, defendants, and alleged constitutional violations, the court declined to consider those newly added claims.
2. The filing styled as a motion for a more definite statement would not be considered as an amendment or supplemental pleading because the additional allegations were related to claims the court had already declined to consider in the first amended complaint and were therefore moot.
3. Plaintiff was granted a final opportunity to file an amended complaint, which must be complete in itself and may raise only claims related to those in the original complaint.

KEY QUOTATIONS

"Because the FAC alleges new and different claims against new and different defendants, it violates the Court's screening order. New claims in the FAC that differ from those alleged in the original complaint must be brought in a separate suit." (at 4)

"An amended complaint must identify as a defendant only persons who personally participated in a substantial way in depriving plaintiff of a federal constitutional right." (at 7)

"Any amended complaint should observe the following. An amended complaint must identify as a defendant only persons who personally participated in a substantial way in depriving plaintiff of a federal constitutional right." (at 7)

FACTUAL BACKGROUND

Plaintiff's original complaint concerned alleged unconstitutional conditions of confinement at the California Substance Abuse Treatment Facility, including building deterioration, fire hazards, asbestos, inadequate ventilation, and mold or mildew. After the court found the original complaint insufficient but granted leave to amend, plaintiff filed a first amended complaint asserting different claims arising in April 2025 involving denial of bottled water, alleged medical needs, and disability accommodations, and naming additional defendants.

Plaintiff later filed a motion for a more definite statement that included further allegations concerning medical care, elevated blood pressure, and bottled water.

PROCEDURAL HISTORY

Plaintiff's original complaint was removed from the Kings County Superior Court to the Eastern District of California. The court previously screened the original complaint and found that it failed to state a claim, granting plaintiff leave to amend and instructing him not to add unrelated claims. Plaintiff then filed a first amended complaint asserting claims concerning bottled water, medical equipment, and medical needs, followed by a motion for a more definite statement containing additional allegations. The court declined to consider the improperly added claims, denied the motion, and granted plaintiff a final opportunity to file an amended complaint within twenty-one days.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Whitaker v. Tesla Motors, Inc., 985 F.3d 1173, 1176 (9th Cir. 2021)
- Doe I v. Wal-Mart Stores, Inc., 572 F.3d 677, 681 (9th Cir. 2009)
- Moss v. United States Secret Service, 572 F.3d 962, 969 (9th Cir. 2009)
- Lacey v. Maricopa County, 693 F.3d 896, 925 (9th Cir. 2012)
- Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967)

OPINION

(PC)George

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 RICHARD EARL GEORGE, No. 1:21-cv-00319 KES GSA (PC)

12 Plaintiff, ORDER DECLINING TO SCREEN

IMPROPERLY ADDED CLAIMS IN FIRST

13 v. AMENDED COMPLAINT

14 THERESA CISNEROS, et al., See ECF No. 20 15 Defendants. ORDER DENYING

PLAINTIFF'S NOTICE

OF MOTION AND MOTION FOR A MORE

16 DEFINITE STATEMENT

17 (ECF No. 22)

18 ORDER GRANTING PLAINTIFF LEAVE TO

FILE SECOND AMENDED COMPLAINT

19

PLAINTIFF'S AMENDED COMPLAINT, IF

20 ANY, DUE IN TWENTY-ONE DAYS

21 22 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 23
under 42 U.S.C. § 1983. This matter was removed from state court to federal court by 24
Defendants. See ECF No. 1. The matter was referred to a United States Magistrate Judge 25
pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 26 Before this Court is Plaintiff's first
amended complaint ("FAC") (ECF No. 20) and a 27 motion that he has entitled a "Notice of
Motion of Motion for a More Definite Statement to 28 Support Amended Complaint." ECF No.
22. For the reasons stated below, the Court finds that 1 Plaintiff's FAC contains improperly added
claims. As a result, the Court will decline to consider 2 them, and instead, Plaintiff will be given a
final opportunity to file an amended complaint. 3 Consistent with this ruling, the Court will also
deny Plaintiff's "motion for a more definite 4 statement," which is related to the FAC.

5 I. SCREENING REQUIREMENT

6 The Court is required to screen complaints brought by prisoners seeking relief against a 7
governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The 8
Court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally
9 "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek
10 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1)-
(2). 11 "Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court
shall 12 dismiss the case at any time if the court determines that the action or appeal fails to state a
claim 13 upon which relief may be granted." 28 U.S.C. § 1915(e)(2)(B)(ii). 14 A complaint is
required to contain "a short and plain statement of the claim showing that 15 the pleader is entitled
to relief." Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not 16 required, but "[t]hreadbare
recitals of the elements of a cause of action, supported by mere 17 conclusory statements, do not
suffice." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell 18 Atlantic Corp. v. Twombly*,
550 U.S. 544, 555 (2007)); see *Whitaker v. Tesla Motors, Inc.*, 985 19 F.3d 1173, 1176 (9th Cir.
2021) (citing *Iqbal*). While a plaintiff's allegations are taken as true, 20 courts "are not required to
indulge unwarranted inferences." *Doe I v. Wal-Mart Stores, Inc.*, 572 21 F.3d 677, 681 (9th Cir.
2009) (internal quotation marks and citation omitted). To state a viable 22 claim, Plaintiff must set
forth "sufficient factual matter, accepted as true, to 'state a claim to relief 23 that is plausible on its
face.'" *Iqbal*, 556 U.S. at 678-79; *Moss v. United States Secret Service*, 24 572 F.3d 962, 969 (9th

Cir. 2009). While factual allegations are accepted as true, legal conclusions are not. *Id.* The mere possibility of misconduct falls short of meeting this plausibility standard. *Id.* Finally, under Federal Rules of Civil Procedure 18 and 20, the claims raised against a party in a complaint should be related. In addition, defendants should only be joined in an action if it can be alleged that they are liable for the “same transaction, occurrence, or series of transactions or occurrences” where “any question of law or fact common to all defendants will arise in the action.” See Fed. R. Civ. P. 18(a) and 20(a)(2).

4 II. RELEVANT PROCEDURAL HISTORY

5 On March 3, 2021, Plaintiff’s complaint was docketed after it had been removed from the Kings County Superior by Defendants. See ECF No. 1 (notice of removal with Plaintiff’s attached complaint). June 2, 2025, the matter was screened and the Court determined that it failed to state a claim upon which relief could be granted. ECF No. 18 at 11. As a result, Plaintiff was given the opportunity to file an amended complaint. *Id.* at 9-11. On June 3, 2025, Plaintiff filed the instant FAC. ECF No. 20. 11 On July 28, 2025, Plaintiff filed a “Notice of Motion of Motion for a More Definite Statement to Support Amended Complaint”. ECF No. 22.

13 III. PLAINTIFF’S COMPLAINTS

14 A. Plaintiff’s Original Complaint 15 In the original complaint, docketed with the Court on March 3, 2021, Plaintiff names 16 Warden Cisneros of California Substance Abuse Treatment Facility, and Secretary of the 17 California Department of Corrections and Rehabilitation (“CDCR”), Kathleen Allison, as 18 Defendants in this action. See ECF No. 1 at 7, 16. Although the complaint is confusing, the 19 gravamen of it is that as early as October 30, 2019, Defendants violated his Eighth Amendment 20 right to receive safe and adequate housing and living conditions by exposing him to dangerous 21 conditions like: physical building deterioration of the facility; outdated fire sprinkler systems; 22 fire hazards; exposure to asbestos in the dining hall and housing unit; inadequate ventilation; and 23 mold, algae and mildew in the housing unit shower. *Id.* at 10. The original complaint also asserts 24 that Defendants’ action and inaction violates several prison Department of Operations Manual 25 (“DOM”) policies. See *Id.* at 11. The pleading has also checked boxes for claims of premises 26 liability, general negligence, and intentional tort. *Id.* at 9. 27 When the Court screened the original complaint, it found that it failed to state any claim 28 upon which relief could be granted. See ECF No. 18 at 11. As a result, Plaintiff was given the 1 opportunity to file an amended complaint. At that time, Plaintiff was clearly informed of the 2 following: (1) that an amended complaint would take the place of his original complaint; (2) that 3 any amended complaint that he filed had to be complete in itself and without reference to any 4 earlier filed complaint, (3) that he could not change the nature of this suit by alleging new, 5 unrelated claims, and importantly, (4) he was advised that in the amended complaint he needed to 6 set forth what specific harm he personally experienced as result of the poor living conditions he 7 described. *Id.* at 9-10. 8 B. Plaintiff’s First Amended Complaint 9 Plaintiff’s FAC was docketed on June 23, 2025. See ECF No. 20. In it, he names 10 Secretary

Kathleen Allison; Warden Morales; Gracie Woo, P.S.; G. Ugwueze, CMO; 11 Correctional Sergeant Salcedo; and Warden Theresa Cisneros; and Trust Officer Clerk Ruiz,¹² most of whom are presumably employed at the California Substance Abuse Treatment Facility ¹³ (“CSATF”) as Defendants. See ECF No. 20 at 1-3. ¹⁴ In Claim One of the FAC, Plaintiff contends that on April 8, 2025, upon his arrival at ¹⁵ CSATF, his Eighth Amendment right to be free from deliberate indifference to serious medical ¹⁶ need and cruel and unusual punishment was violated when Sergeant Salcedo took away his bottle ¹⁷ of purified water which he states is a “medical appliance (DME) to drink daily” given that ¹⁸ “norovirus bacteria” was present in CSATF’s drinking water system. Id. at 3-4. ¹⁹ In Claim Two, Plaintiff alleges he went five days without bottled water until he filed a ²⁰ health care grievance and was provided a gallon of distilled water. He further states that ²¹ sometime later, he expressed his need for more water, but none was given. As a result, Plaintiff ²² states that he then attempted to drink the prison’s water which caused him to start experiencing ²³ vomiting and diarrhea for seven days and to suffer from stomach pain and dehydration. Id. at 5. ²⁴ In this claim, he also generally alleges that he was denied the right to adequate medical care, ²⁵ 1 The Court notes that in Defendants’ recently filed request for screening (see ECF No. 21), they ²⁶ inform the Court that Plaintiff’s FAC incorrectly names Defendant Allison as the Secretary of the ²⁷ CDCR, and it incorrectly names Defendant Cisneros as the warden at CSATF. See ECF No. 21 at 1 n.1. In any amended complaint, Plaintiff may file, he must make certain that the titles and/or ²⁸ professional positions of named defendants are correct. 1 because as a person with disabilities, he was not provided with equipment to accommodate them, 2 nor was he given bottled water. ECF No. 20 at 4, 10-16.

3 IV. DISCUSSION

4 As noted earlier, when the Court screened Plaintiff’s original complaint, it informed him ⁵ that he “could not change the nature of this suit by alleging new, unrelated claims.” ECF No. 18 ⁶ at 9. Despite this warning, Plaintiff’s FAC does precisely that. As a result, none of the claims ⁷ that Plaintiff has raised in the FAC are related to the ones he raised in his initial complaint. ⁸ Compare ECF No. 1, with ECF No. 20 (original complaint; FAC, respectively). ⁹ Plaintiff has failed to follow the Court’s directions. His FAC changes the very nature of ¹⁰ the suit by adding new, unrelated claims and defendants. The claims in the FAC occurred in

¹¹ April 2025, and they primarily relate to several defendants depriving him of bottled water and ¹² medical equipment to accommodate his disabilities. See generally ECF No. 20. These facts ¹³ clearly do not arise out the same transaction or occurrences alleged in Plaintiff’s original ¹⁴ complaint, which only names two defendants, whose violations began to occur in or around ¹⁵ October of 2019, and which are alleged to have continued up until the date that Plaintiff filed the ¹⁶ original complaint on Dec. 7, 2020, in Kings County Superior Court. The claims in that pleading ¹⁷ deal with conditions of confinement that were largely related to structural deficiencies in the ¹⁸ buildings at CSATF and the poor maintenance of them. See ECF No. 1 at 3-5. ¹⁹ Because the FAC alleges new and different claims against new and different defendants, it ²⁰

violates the Court's screening order. New claims in the FAC that differ from those alleged in 21 the original complaint must be brought in a separate suit.

22 V. PLAINTIFF'S REQUEST FOR A MORE DEFINITE STATEMENT

23 1. Plaintiff's Motion 24 Although Plaintiff's motion is entitled a "motion for a more definite statement," in it, he 25 appears to provide more information that he would like to add to the instant FAC. See generally 26 ECF No. 22. Specifically, the filing, which was docketed on July 28, 2025, starts out with 27 Plaintiff discussing a medical exam that he had a few days earlier on July 10, 2025. See *id.* at 1- 28 2. In it, Plaintiff then proceeds to discuss why his blood pressure is elevated and how his needs 1 are not being met at California Substance Abuse Treatment Facility ("CSATF"). See *id.* He also 2 contends that his requests for bottled water are not being met. ECF No. 22 at 2. Ultimately, 3 Plaintiff asserts that Defendants are being deliberately indifferent to his serious medical needs. 4 *Id.* Attached to the filing are what appear to be some of Plaintiff's medical records. See ECF No. 5 22 at 3-15. 6 2. Discussion 7 Plaintiff's motion is incredibly confusing and unclear. However, to the extent that it may 8 be requesting the Court to consider its contents as an amendment that relates back to the FAC, 9 which is the operative complaint, or to consider it a supplemental pleading to the FAC, the 10 motion will be denied. Given that the Court is declining to consider the new claims in the FAC 11 because they are unrelated to the original complaint, the contents of the "supplement" to the FAC 12 that Plaintiff asks the Court to consider are moot. Therefore, the "motion for a more definite 13 statement" related to the FAC will be denied as such.

14 VI. LEAVE TO AMEND

15 Because the FAC contains improperly added claims, it fails to state a claim upon which 16 relief may be granted, and it is subject to dismissal under 28 U.S.C. § 1915A(b). Rather than 17 recommending dismissal at this juncture, however, the Court will grant Plaintiff leave a final 18 time to amend the complaint. See Fed. R. Civ. P. 15(a)(2). The amended complaint must only 19 raise claims that are related to those that he made in the original complaint. 20 If Plaintiff chooses to file an amended complaint, it will take the place of the original 21 complaint. See *Lacey v. Maricopa Cty.*, 693 F.3d 896, 925 (9th Cir. 2012) (amended complaint 22 supersedes original). Any amended complaint should observe the following. 23 An amended complaint must identify as a defendant only persons who personally 24 participated in a substantial way in depriving plaintiff of a federal constitutional right. *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978) (a person subjects another to the deprivation of a 26 constitutional right if he does an act, participates in another's act or omits to perform an act he is 27 legally required to do that causes the alleged deprivation). 28 An amended complaint must also contain a caption including the names of all 1 defendants. Fed. R. Civ. P. 10(a). Plaintiff may not change the nature of the claims made in his 2 original complaint by alleging new, unrelated claims. See *George v. Smith*, 507 F.3d 605, 607 3 (7th Cir. 2007). 4 Any amended complaint must be written or typed so that it is complete in itself without 5 reference to any earlier filed complaint. See Local Rule 220 (E.D. Cal. 2009). This is

because an 6 amended complaint supersedes any earlier filed complaint, and once an amended complaint is 7 filed, the earlier filed complaint no longer serves any function in the case. See *Loux v. Rhay*, 375 8 F.2d 55, 57 (9th Cir. 1967) (“The amended complaint supersedes the original, the latter being 9 treated thereafter as non-existent.”), overruled on other grounds by *Lacey v. Maricopa Cty.*, 693 10 F.3d 896 (2012). 11 The Clerk of Court will be directed to send Plaintiff a copy of the Court’s civil rights 12 form. It is suggested that Plaintiff only use the space provided on the form to state his 13 substantive claims. Plaintiff is free, however, to provide a reasonable number of exhibits to 14 support those claims. 15 It should be noted that the Court is not required to review exhibits attached to the 16 amended complaint when determining what Plaintiff’s claims are with respect to each 17 Defendant. Indeed, Plaintiff’s claims should be clearly stated on the form itself. The Court will 18 not review any of Plaintiff’s past supplements or pleadings in order to determine the substance 19 of Plaintiff’s claims. In sum, when Plaintiff files his amended complaint, it should be a 20 complete pleading in and unto itself. See Local Rule 220 (E.D. Cal. 2009). 21 Accordingly, IT IS HEREBY ORDERED that: 22 1. The Clerk of Court shall send Plaintiff a copy of the Court’s Civil Rights Complaint 23 By a Prisoner form; 24 2. Plaintiff’s “motion for a more definite statement” (ECF No. 22) is DENIED; 25 3. Plaintiff’s first amended complaint contains improperly added claims. As a result, the 26 Court DECLINES to consider them, and 27 28 1 4. Within twenty-one days from the date of this order, Plaintiff shall file an amended 2 complaint.2 3 Plaintiff is cautioned that failure to fully comply with this order within the time 4 allotted may result in a recommendation that this matter be dismissed. 5 6 IT IS SO ORDERED. 7 8 Dated: September 16, 2025 /s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE

9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 2 Should Plaintiff fail to file an amended complaint, the Court will presume that Plaintiff wishes 26 to stand on his original complaint (ECF No. 1), which the Court has previously determined fails 27 to state a claim upon which relief may be granted. See 28 U.S.C. § 1915A(b)(1); see also ECF No. 18 (screening order of original complaint). Plaintiff may also choose to voluntarily dismiss 28 this matter. See Fed. R. Civ. P. 41(a)(1)(A)(i).