

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Carl A. Wescott v. HonorHealth, et al.

No. CV-25-01460-PHX-DJH · No. No. CV-25-01460-PHX-DJH · Decided March 20, 2026

SUMMARY

The United States District Court for the District of Arizona grants Carl A. Wescott’s application to proceed in forma pauperis and screens his complaint under 28 U.S.C. § 1915(e)(2). The Court dismisses the complaint for failure to state plausible federal claims, denies the pending service motion, and grants leave to file a First Amended Complaint within 30 days.

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 20, 2026
DOCKET	No. CV-25-01460-PHX-DJH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff sought leave to proceed in forma pauperis. After granting IFP status, the district court screened the complaint under 28 U.S.C. § 1915(e)(2) and dismissed it with leave to amend.
STANDARD OF REVIEW	On mandatory screening of an in forma pauperis complaint under 28 U.S.C. § 1915(e)(2), the court determines whether the action is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The court accepts well-pleaded factual allegations as true, views facts in the light most favorable to the plaintiff, disregards legal conclusions, and applies the Rule 8 and plausibility standards articulated in Twombly and Iqbal.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Carl A. Wescott v. HonorHealth, Dr. Castro-Marin, Policewoman Jane Doe, Arizona State Police

TOPICS

- civil procedure
- section 1983
- due process
- civil rights
- motions to dismiss

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim under 42 U.S.C. § 1983 against HonorHealth and Dr. Castro-Marin when the complaint did not adequately allege that they were state actors.
2. Whether the complaint stated a § 1983 due-process claim based on the alleged loss or deprivation of property when Arizona provided adequate post-deprivation remedies.
3. Whether the complaint stated a claim under 42 U.S.C. § 1985(3) when dismissal of the claims against one alleged conspirator left only one remaining defendant.
4. Whether the complaint adequately identified a constitutional right or federal law supporting its general § 1983 claim against the remaining defendants.
5. Whether the court should decline supplemental jurisdiction over the state-law claims after dismissal of all federal claims.

HOLDINGS

1. The court granted the application to proceed in forma pauperis and screened the complaint under 28 U.S.C. § 1915(e)(2).
2. The § 1983 claims against HonorHealth and Dr. Castro-Marin were dismissed because the complaint did not plausibly allege that either defendant was a state actor or that the challenged conduct was fairly attributable to the State.
3. The general § 1983 claim was dismissed because the complaint did not clearly identify a constitutional right or federal law allegedly violated.
4. The due-process claim based on the alleged loss or deprivation of Wescott's property was dismissed because adequate post-deprivation remedies were available under Arizona law.
5. The § 1985(3) conspiracy claim was dismissed because, after dismissal of the claims against Dr. Castro-Marin, only one defendant remained and § 1985(3) requires a conspiracy of two or more persons.
6. The court declined supplemental jurisdiction over the state-law claims and dismissed them without prejudice after dismissing all federal claims.
7. The court granted Wescott thirty days to file a first amended complaint because it was not absolutely clear that the pleading deficiencies could not be cured by amendment.

KEY QUOTATIONS

“section 1915(e) not only permits but requires a district court to dismiss an [IFP] complaint that fails to state a claim.” (at 2)

“A complaint “must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.”” (at 2)

“When the Court eliminates the federal claims in a case and only state law claims remain, the Court should

decline jurisdiction over the state claims and dismiss them without prejudice.” (at 8)

“an amended complaint supersedes the original complaint and renders it without legal effect” (at 8-9)

FACTUAL BACKGROUND

Wescott went to an HonorHealth emergency room after exposure to toxic gases and dangerously low oxygen saturation. After his oxygen levels normalized and he sought to leave, a policewoman allegedly petitioned for court-ordered treatment, and hospital personnel and security prevented him from leaving until he departed during a shift change three days later. He alleged that personal property left at the hospital was lost or otherwise disposed of and asserted federal civil-rights, due-process, conspiracy, and false-imprisonment claims.

PROCEDURAL HISTORY

Wescott filed a complaint asserting claims under 42 U.S.C. §§ 1983 and 1985(3), the Fourteenth Amendment, and state-law false imprisonment. The court granted his application to proceed without prepaying fees, screened the complaint, dismissed the federal claims for failure to state a claim or lack of a state actor, declined supplemental jurisdiction over the remaining state-law claims, denied the pending motion for service, and allowed thirty days to file an amended complaint.

DISPOSITION

dismissed

CASES CITED

- *Lopez v. Smith*, 203 F.3d 1122, 1127, 1126 n.7, 1131 (9th Cir. 2000) (en banc)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 676, 678 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-57, 570 (2007)
- *Shwarz v. United States*, 234 F.3d 428, 435 (9th Cir. 2000)
- *Jackson v. Barnes*, 749 F.3d 755, 763-64, 767 (9th Cir. 2014)
- *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)
- *Long v. Maricopa Cmty. College Dist.*, 2012 WL 588965, at *1 (D. Ariz. Feb. 22, 2012)
- *Calhoun v. Stahl*, 254 F.3d 845 (9th Cir. 2001)
- *McLemore v. Dennis Dillon Auto. Grp., Inc.*, 2013 WL 97767, at *2 n.1 (D. Idaho Jan. 8, 2013)
- *Watkins v. Mercy Med. Ctr.*, 520 F.2d 864, 896 (9th Cir. 1975)
- *Briley v. California*, 564 F.2d 849, 855-56 (9th Cir. 1977)
- *West v. Atkins*, 487 U.S. 42, 58 (1988)
- *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972)
- *Ivey v. Bd. of Regents of the Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982)
- *Rizzo v. Goode*, 423 U.S. 362, 371-72, 377 (1976)
- *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998)

- Martin v. Castillo, 2025 WL 2698623, at *10 (E.D. Cal. Sept. 22, 2025)
- Franceschi v. Yee, 887 F.3d 927, 935 (9th Cir. 2018)
- Witt v. Dep't of Air Force, 527 F.3d 806, 817 (9th Cir. 2008)
- Hudson v. Palmer, 468 U.S. 517, 533 (1984)
- Wright v. Riveland, 219 F.3d 905, 918 (9th Cir. 2000)
- Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 (1988)
- Casavelli v. Johanson, 2020 WL 4732145, at *10 (D. Ariz. Aug. 14, 2020)
- Lacey v. Maricopa County, 693 F.3d 896, 925, 927 (9th Cir. 2012) (en banc)
- McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992)
- Ghazali v. Moran, 46 F.3d 52, 54 (9th Cir. 1995)

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 9 Carl A Wescott, No. CV-25-01460-PHX-DJH 10 Plaintiff, ORDER 11 v. 12
HonorHealth, et al., 13 Defendants. 14 15 Pending before the Court is pro se Plaintiff Carl A.
Wescott's ("Plaintiff") 16 Application to Proceed in the District Court Without Prepaying Fees or
Cost (Doc. 3).

17 Upon review, Plaintiff's Application, signed under penalty of perjury, indicates that 18 Plaintiff
is financially unable to pay the filing fee. The Court will grant Plaintiff's 19 Application to
proceed in forma pauperis ("IFP").

The Court will proceed to screen 20 Plaintiff's Complaint (Doc. 1) under 28 U.S.C. § 1915(e)(2).
21 I. Legal Standard 22 When a party has been granted IFP status, the Court must review the
complaint to 23 determine whether the action: 24 (i) is frivolous or malicious; 25 (ii) fails to state
a claim on which relief may be granted; or 26 (iii) seeks monetary relief against a defendant who
is immune from such relief.

27 See 28 U.S.C. § 1915(e)(2)(B).1 In conducting this review, "section 1915(e) not only 28 1
"While much of § 1915 outlines how prisoners can file proceedings in forma pauperis, §1915(e)
applies to all in forma pauperis proceedings, not just those filed by prisoners." 1 permits but
requires a district court to dismiss an [IFP] complaint that fails to state a claim." 2 Lopez v. Smith,
203 F.3d 1122, 1127 (9th Cir.

2000) (citation omitted). 3 Federal Rule of Civil Procedure 8(a) requires complaints to make "a
short and plain 4 statement of the claim showing that the pleader is entitled to relief." While Rule
8 does 5 not demand detailed factual allegations, "it demands more than an unadorned, the 6
defendant-unlawfully-harmed-me accusation." Ashcroft v. Iqbal, 556 U.S. 662, 678 7 (2009).2
"Threadbare recitals of the elements of a cause of action, supported by mere 8 conclusory

statements, do not suffice.” Id. A complaint “must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” Id. (quoting 10 Bell Atl.

Corp. v. Twombly, 550 U.S. 544, 570 (2007)). A claim is plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” Id. (citing Twombly, 550 U.S. at 556). 13 A complaint that provides “labels and conclusions” or “a formulaic recitation of the elements of a cause of action will not do.” Twombly, 550 U.S. at 555.

Nor will a complaint suffice if it presents nothing more than “naked assertions” without “further factual enhancement.” Id. at 557. 17 The Court must accept all well-pleaded factual allegations as true and interpret the facts in the light most favorable to the plaintiff. Shwarz v. United States, 234 F.3d 428, 19 435 (9th Cir. 2000). That rule does not apply, however, to legal conclusions.

Iqbal, 556 20 U.S. at 678. The Court is mindful that it must “construe pro se filings liberally when evaluating them under Iqbal.” Jackson v. Barnes, 749 F.3d 755, 763–64 (9th Cir. 2014) 22 (quoting Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)). 23 Long v. Maricopa Cmty. College Dist., 2012 WL 588965, at *1 (D. Ariz. Feb. 22, 2012) 24 (citing Lopez v. Smith, 203 F.3d 1122, 1126 n.7 (9th Cir.

2000) (“[S]ection 1915(e) applies to all in forma pauperis complaints[.]”); see also Calhoun v. Stahl, 254 F.3d 845 (9th Cir. 25 2001) (“[T]he provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners.”) (citation omitted).

Therefore, section 1915 applies to this non-prisoner IFP complaint. 26 2 “Although the Iqbal Court was addressing pleading standards in the context of a Rule 27 12(b)(6) motion, the Court finds that those standards also apply in the initial screening of a complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A since Iqbal discusses the general pleading standards of Rule 8, which apply in all civil actions.” McLemore v. Dennis Dillon Auto.

Grp., Inc., 2013 WL 97767, at *2 n.1 (D. Idaho Jan. 8, 2013). 1 II. Statutory Screening 2 Plaintiff’s Complaint purports to bring claims under the Civil Rights Act of 1871, 3 the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution, and for 4 false imprisonment. (Doc. 1 at ¶¶ 59–91). Construing this pro se Complaint liberally, the 5 Court finds that Plaintiff has failed to state a plausible claim for relief under any of the 6 federal statutes or U.S. Constitution.

7 A. Background 3 8 Plaintiff moved to Dubai in April 2024 and returned to Arizona in late October 2024 9 to visit his mother. (Doc. 1 at ¶¶ 17–18). On the night of October 26, 2024, Plaintiff was 10 exposed to toxic gases (id. at ¶ 19) and the following morning, October 27, 2024, he 11 decided to go to the emergency room because he was having trouble breathing.

12 (Id. at ¶ 20). A policewoman drove Plaintiff to the emergency room at HonorHealth. 13 (See id. at ¶ 21). 14 Upon arrival to the emergency room, the attending physician, Dr. Castro-Marin 15 (id. at ¶ 22) informed Plaintiff that he was at risk of dying because his initial oxygen 16 saturation levels were around eighty percent.⁴ (Id. at ¶ 23). Plaintiff's oxygen saturation 17 levels eventually returned to normal and Plaintiff informed Dr. Castro-Marin that he 18 needed to depart the hospital (id. at ¶ 28), to which Dr. Castro-Marin responded that it 19 would be best for Plaintiff to stay in the hospital longer, but that he would prepare the 20 paperwork for him to check out of the hospital.

(Id. at ¶ 29). 21 While waiting for his paperwork, Policewoman Doe returned to the Plaintiff's 22 hospital room and informed him that "she was petitioning the Plaintiff for court-ordered 23 treatment" because Plaintiff is mentally ill. (Id. at ¶ 30–31). Policewoman Doe brought 24 Dr. Castro-Marin back to Plaintiff's hospital room and they informed him that two security 25 guards would be posted outside of his room to prevent him from leaving.

(Id. at ¶ 37). The 26 3 Unless otherwise noted, these facts are taken from Plaintiff's Complaint (Doc. 1). The 27 Court will assume the Complaint's factual allegations are true, as it must when screening a pro se complaint. See *Watson*, 668 F.3d at 1112. 28 4 Healthy oxygen levels are within the ninety-five to one hundred percent range. (Doc. 1 at ¶ 25). 1 security guards remained posted outside of Plaintiff's hospital room until October 30, 2024, 2 when, during a shift change, he walked out of his room and the hospital, leaving some of 3 his personal property behind.

(See id. at ¶¶ 40–45). Plaintiff then left the United States. 4 (See id. at ¶ 46). Plaintiff was billed an approximate total of \$44,000 for his hospital stay.⁵ 5 (Id. at ¶ 47, p. 15–17). 6 Plaintiff brings this action against Defendant Dr. Castro-Marin ("Dr. Castro- 7 Marin"), Defendant Policewoman Jane Doe ("Policewoman Doe") (together, the 8 "Individual Defendants"), Defendant Arizona State Police ("State Police"), and Defendant 9 HonorHealth ("HonorHealth") (collectively, "Defendants").

10 1. Plaintiff's Claims 11 Plaintiff filed his Complaint on April 30, 2025, asserting the following claims: 12 Count One alleges Defendants violated Plaintiff's exercise and enjoyment 13 of his rights under the United States and Arizona Constitutions in violation of the Civil Rights Act of 1871, 42 U.S.C. § 1983 (Doc. 1 at ¶¶ 59–65); 14 Count Two alleges the Defendants violated Plaintiff of his constitutionally 15 protected due process rights in violation of the Civil Rights Act of 1871, 16 42 U.S.C. § 1983 (id. at ¶¶ 69–73); 17 Count Three alleges the Individual Defendants conspired together to 18 deprive Plaintiff of his civil rights in violation of the Civil Rights Act of 1871, 42 U.S.C. § 1985(3) (id. at ¶¶ 74–84); and 19 Count Four alleges the Individual Defendants falsely imprisoned Plaintiff 20 (id. at ¶¶ 85–91).

21 The Court will screen the Plaintiff's claims as they are asserted against each 22 defendant. 23 a. HonorHealth 24 HonorHealth is a nonprofit healthcare system in Arizona.⁶ See *Watkins v. Mercy*

25 26 5 Approximately \$6,000 for the services related to the oxygen saturation levels and 27 approximately \$38,000 for the services after Plaintiff's oxygen saturation levels returned to normal.

(See Doc. 1 at ¶ 48, p. 15–17). 28 6 HonorHealth, About HonorHealth, <https://www.honorhealth.com/company> (last visited March 26, 2026). 1 Med. Ctr., 520 F.2d 864, 896 (9th Cir. 1975) (“G[rays Harbor Community Hospital]’s non- 2 profit status does not make it a state actor for purposes of § 1983.”) HonorHealth is not a 3 state actor and therefore cannot be sued under § 1983.

The § 1983 claims against 4 HonorHealth are dismissed. 5 b. Dr. Castro-Marin 6 Generally, private doctors are not state actors and therefore cannot be sued under § 7 1983. See *Briley v. California*, 564, F.2d 849, 855–56 (9th Cir. 1977). Plaintiff could 8 plausibly proceed against Dr. Castro-Marin if he pled sufficient facts to support an 9 inference that Dr. Castro-Marin’s actions were “fairly attributable” to the state.

See *West 10 v. Atkins*, 487 U.S. 42, 58 (1988). However, Plaintiff has not pled any facts about Dr. 11 Castro-Marin’s position or relationship to the State of Arizona. Dr. Castro-Marin is not a 12 state actor and therefore cannot be sued under § 1983.

The § 1983 claims against Dr. 13 Castro-Marin are dismissed. 14 c. Policewoman Doe 15 1. Count One: Violation of the Civil Rights Act of 1871 16 Although pro se pleadings are liberally construed, *Haines v. Kerner*, 404 U.S. 519, 17 520–21 (1972), conclusory and vague allegations will not support a cause of action. *Ivey 18 v. Bd. of Regents of the Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir.

1982). To state a valid 19 claim under § 1983, plaintiffs must allege that they suffered a specific injury as a result of 20 specific conduct of a defendant and show an affirmative link between the injury and the 21 conduct of that defendant. See *Rizzo v. Goode*, 423 U.S. 362, 371–72, 377 (1976). A 22 plaintiff must plead that each Government-official defendant, through the official’s own 23 individual actions, has violated the Constitution.

Iqbal, 556 U.S. at 676. “A plaintiff must 24 allege facts, not simply conclusions, that show that an individual was personally involved 25 in the deprivation of his civil rights.” *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 26 1998). 27 Plaintiff has not clearly identified a constitutional right or federal law upon which 28 he predicates his first Section 1983 claim.

There is no independent legal action for a 1 violation of Section 1983. The action must be premised on some deprivation of rights, 2 privileges, or immunities secured by the Constitution and laws. The Court will not 3 speculate which rights, privileges, or immunities secured by the Constitution and/or laws 4 Plaintiff believes Defendant may have infringed that could constitute a cause of action 5 under Section 1983.

Presently, the claim is deficiently pled and is dismissed. 6 2. Count Two: Violation of the Civil Rights Act of 1871 (Due Process) 7 A claim brought under the Due Process Clause of the Fourteenth Amendment may 8 be either procedural or substantive. *Martin v. Castillo*, 2025 WL 2698623, *10 (E.D. Cal. 9 Sept. 22, 2025). “To sustain a procedural due process claim, a plaintiff must plausibly 10 allege: (1) a deprivation of a constitutionally protected liberty or property interest, and (2) 11 a denial of adequate procedural protections.

By contrast, substantive due process claims 12 focus on whether a given liberty interest may be infringed at all, not matter what process 13 is provided.” *Franceschi v. Yee*, 887 F.3d 927, 935 (9th Cir. 2018); *Witt v. Dep’t of Air 14 Force*, 527 F.3d 806, 817 (9th Cir. 2008). 15 Plaintiff alleges that Defendants violated his rights under the Due Process clause by 16 providing the Plaintiff with no notice that his property was at risk of being seized, stolen, 17 destroyed and/or thrown away and that Defendants did not act to preserve the property or 18 provide any means of reclaiming it in a timely manner.

(Doc. 1 at ¶ 70). 19 A state actor’s deprivation of another’s property is not cognizable under the Due 20 Process Clause where “adequate post-deprivation remedies are available,” even where the 21 deprivation was intentional. *Hudson v. Palmer*, 468 U.S. 517, 533 (1984).

However, the 22 Ninth Circuit has held that Arizona law provides meaningful and adequate post-deprivation 23 remedies through the state tort process. See *Wright v. Riveland*, 219 F.3d 905, 918 (9th 24 Cir. 2000) (state tort claims provide adequate post-deprivation remedies); *Ariz. Rev. Stat.* 25 § 12-821.01.

As Arizona law provides meaningful and adequate post-deprivation remedies 26 through Arizona Revised Statute § 12-821.01, the Court dismisses this claim. 27 3. Count Three: Violation of the Civil Rights Act of 1871 (§ 1985(3)) 28 Plaintiff’s third claim is that there was a conspiracy to deprive him of his civil rights 1 in violation of Section 1985(3) of the Civil Rights Act of 1871 by the Individual 2 Defendants.

Subsection 1985(3) requires “two or more persons in any State [] [to] 3 conspire.” As all claims against Dr. Castro-Marin have been dismissed, there is only one 4 remaining defendant for this claim. So, the Court finds that Plaintiff’s allegations fail to 5 state a claim under Subparagraph 1985(3) for which relief can be granted. 6 B. Arizona State Police 7 1.

Count One: Violation of the Civil Rights Act of 1871 8 The Court relies on the same analysis as laid out in Section II(D)(1). The claim is 9 deficiently pled and is dismissed. 10 2. Count Two: Violation of the Civil Rights Act of 1871 (Due Process) 11 As Arizona law provides meaningful and adequate post-deprivation remedies as 12 outlined in Section II(D)(2), the Court dismisses this claim.

13 C. State Law Claims 14 The basis for subject matter jurisdiction in this case is federal question jurisdiction. 15 Plaintiff's § 1983, Fourteenth Amendment, and § 1983(5) claims are the only federal 16 claims alleged in the Complaint, and the Court has found those claims fail as a matter of 17 law. When the Court eliminates the federal claims in a case and only state law claims 18 remain, the Court should decline jurisdiction over the state claims and dismiss them 19 without prejudice.

Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 (1988). 20 III. Leave to Amend 21 In accordance with the well-settled law in this Circuit, because "it is not 'absolutely 22 clear' that [Plaintiff] could not cure [the Complaint's] deficiencies by amendment," the 23 Court will grant him the opportunity to do so. See Jackson v. Barnes, 749 F.3d 755, 767 24 (9th Cir.

2014) (citations omitted); see also Lopez, 203 F.3d at 1131 (en banc) (internal 25 quotation marks and citations omitted) (holding that a pro se litigant must be given leave 26 to amend his complaint "if it appears at all possible that the plaintiff can correct the defect" 27 in the complaint); Fed. R. Civ. P. 15(a)(2) (leave to amend should be "freely" given "when 28 justice so requires[]").

1 If Plaintiff wishes to pursue this suit, he must amend his Complaint by making 2 factual allegations showing he is entitled to relief. Plaintiff's amended complaint should 3 follow the form detailed in Rule 7.1 of the Local Rules of Civil Procedure. There are 4 examples of different types of complaints in the Federal Rules of Civil Procedure's 5 appendix of forms (forms 11–21).⁷ The Court also recommends Plaintiff review the 6 information available in the District Court's Handbook for Self-Represented Litigants, 7 which is available online.⁸ 8 To be clear, Plaintiff's amended complaint "must articulate the exact legal 9 theory of relief for each cause of action [he is] asserting by explaining: (1) the law or 10 constitutional right [Plaintiff] believe[s] was violated; (2) the name of the party who 11 violated that law or right; (3) exactly what that party did or failed to do; (4) how that 12 action or inaction is connected to the violation of the law or any constitutional right; 13 and (5) the exact injury [Plaintiff] suffered as a result of that conduct.

[Plaintiff] must 14 repeat this process for each theory underlying every specific cause of action." 15 Casavelli v. Johanson, 2020 WL 4732145, at *10 (D. Ariz. Aug. 14, 2020). 16 Within thirty (30) days from the date of entry of this Order, Plaintiff may submit 17 an amended complaint. Plaintiff must clearly designate on the face of the document that it 18 is the "First Amended Complaint." This complaint must be retyped or rewritten in its 19 entirety and may not incorporate any part of the original Complaint by reference.

20 Plaintiff should know "an amended complaint supersedes the original complaint and 21 renders it without legal effect[.]" Lacey v. Maricopa County, 693 F.3d 896, 927 (9th Cir. 22 2012) (en banc). After a plaintiff files an amended complaint, the Court treats the original 23 complaint as if it did not exist. Id. at 925. 24 IV. Warning 25 Plaintiff is advised that if he elects to file an amended

complaint but fails to comply 26 7 Those forms as well as the Federal Rules of Civil Procedure and the Local Rules, as well as other information for individuals filing without an attorney may be found on the District 27 Court's internet web page at www.azd.uscourts.gov/.

28 8 The Handbook may be found at <http://www.azd.uscourts.gov/handbook-self-represented-litigants>. 1 || with the Court's instructions explained in this Order, the action will be dismissed under 2|| section 28 U.S.C. § 1915(e) and/or Rule 41(b) of the Federal Rules of Civil Procedure. See || McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996) (affirming dismissal with prejudice of amended complaint that did not comply with Rule 8(a)).

If Plaintiff fails to prosecute 5 || this action, or if he fails to comply with the rules or any court order, the Court may dismiss 6 || the action with prejudice under Federal Rule of Civil Procedure 41(b). See Ferdik v. 7| Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992); Ghazali v. Moran, 46 F.3d 52, 54 (9th Cir. 1995). 9 Accordingly, 10 IT IS HEREBY ORDERED that the Application to Proceed in District Court 11 |} Without Prepaying Fees or Costs (Doc.

3) is GRANTED. 12 IT IS FURTHER ORDERED that Plaintiff's Complaint (Doc. 1) is dismissed with 13 || leave to file a First Amended Complaint within thirty (30) days of the date this Order is entered; 15 IT IS FURTHER ORDERED that if Plaintiff does not file a First Amended Complaint within thirty (30) days of the date this Order is entered, the Clerk of Court shall dismiss this action without further order of this Court; 18 IT IS FURTHER ORDERED that because the Court is dismissing □□□□□□□□□□ 19 || Complaint, the pending Motion Requesting Order for Service of Process (Doc.

7) is denied; and 21 IT IS FINALLY ORDERED that if Plaintiff elects to file a First Amended 22 || Complaint, it may not be served until and unless the Court issues and Order screening the 23 || amended complaint under 28 U.S.C. § 1915(e)(2). 24 Dated this 19th day of March, 2026. 25. Ja — 26 bz Diangt United States District Judge 28 -9-