

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ronald F. Martinez v. A. Parks

Martinez v. Parks · No. 1:21-cv-01496-ADA-CDB (PC) · Decided March 1, 2023

SUMMARY

The United States District Court for the Eastern District of California denied Ronald F. Martinez’s motion to exceed the page limit for a proposed second amended complaint. The court granted leave to file a third amended complaint within 30 days, denied as moot motions requesting screening of the first and second amended complaints, and directed the Clerk to provide a civil rights complaint form.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 1, 2023
DOCKET	1:21-cv-01496-ADA-CDB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a pro se state prisoner proceeding in forma pauperis under 42 U.S.C. § 1983, moved for leave to exceed the page limit for a proposed second amended complaint and requested screening of his first and second amended complaints.
STANDARD OF REVIEW	The court reviewed the proposed amended pleading for compliance with Federal Rule of Civil Procedure 8 and exercised its discretion concerning amendment and page limits.
PRECEDENTIAL VALUE	unpublished district-court order

TOPICS

[pleadings](#) [motion to amend](#) [civil procedure](#) [section 1983](#) [first amendment](#)

PRACTICE AREAS

[civil procedure](#) [prisoner civil rights](#) [constitutional law](#)

QUESTIONS PRESENTED

1. Whether plaintiff should be permitted to exceed the court-ordered 25-page limit for his proposed second amended complaint.
2. Whether the proposed second amended complaint complied with Federal Rule of Civil Procedure 8's requirement that claims be stated in a short, plain, simple, concise, and direct manner.
3. Whether plaintiff's motions requesting screening of the first and second amended complaints remained live after the court granted leave to file a third amended complaint.

HOLDINGS

1. Leave to exceed the 25-page limit was denied because the proposed pleading did not present novel or complex legal theories and the nature of the claims did not justify an extension.
2. The proposed second amended complaint was inappropriate for screening because it failed to comply with Rule 8's requirements of brevity, clarity, simplicity, concision, and directness.
3. The motions requesting screening of the first and second amended complaints were denied as moot because the court granted plaintiff leave to file a third amended complaint.

KEY QUOTATIONS

“Rule 8 requires the complaint to be “a short and plain statement of the claim showing that the pleader is entitled to relief.””

“The rule also provides that “[e]ach allegation must be simple, concise, and direct.””

“Thus, the TAC must be “complete in itself without reference to the prior or superseded pleading.””

FACTUAL BACKGROUND

Plaintiff alleged First Amendment retaliation claims against prison officials and sought to add an incident involving defendants Parks and Lirones. His proposed second amended complaint was 46 pages long and contained 212 paragraphs, including excessive factual details, recreated quotations and conversations, irrelevant comments, and exhibits that the court found unnecessary at the pleading and screening stage. The court concluded that the pleading's lack of concision prevented it from determining whether the claims had merit.

PROCEDURAL HISTORY

Plaintiff commenced the action on October 7, 2021. The court previously granted leave to amend subject to a 25-page limit, rejected or limited prior amended pleadings that did not comply with Federal Rule of Civil Procedure 8, and ultimately accepted a 39-page first amended complaint for filing. Plaintiff then lodged a 46-page second amended complaint and moved to exceed the page limit. The court denied that motion, granted leave to file a third amended complaint limited to 25 pages, denied the screening motions as moot, and directed the Clerk to provide a civil-rights complaint form.

DISPOSITION

other

CASES CITED

- Lacey v. Maricopa County, 693 F.3d 896, 927 (9th Cir. 2012)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 RONALD F. MARTINEZ, Case No.: 1:21-cv-01496-ADA-CDB (PC) 12
Plaintiff, ORDER DENYING PLAINTIFF’S MOTION 13 v. FOR LEAVE TO EXCEED THE
PAGE LIMIT FOR THE SECOND AMENDED 14 A. PARKS, COMPLAINT (Doc. 35) 15
Defendant. ORDER GRANTING LEAVE TO FILE THIRD AMENDED COMPLAINT AND 16
DIRECTING CLERK OF COURT TO PROVIDE PLAINTIFF WITH A CIVIL 17 RIGHTS
COMPLAINT FORM 18 ORDER DENYING AS MOOT PLAINTIFF’S 19 MOTIONS
REQUESTING THE COURT TO SCREEN FIRST AND SECOND AMENDED 20
COMPLAINTS (Docs.

34, 37) 21 THIRTY (30) DAY DEADLINE 22 23 Plaintiff Ronald F. Martinez is a state prisoner
proceeding pro se and in forma pauperis 24 in this civil rights action filed under 42 U.S.C. § 1983.
25 I. PROCEDURAL HISTORY 26 On October 7, 2021, Plaintiff commenced this action by filing
a 61-page complaint. 27 (Doc. 1.) Plaintiff filed a motion to amend the complaint—prior to
screening and service in the 28 interest of conserving judicial time and resources—to add a
defendant and a retaliation claim.

1 (Doc. 16.) The Court granted the motion and afforded Plaintiff thirty days to file a first amended
2 complaint (“FAC”), subject to a 25-page limitation: 3... Rule 8 requires the complaint to be “a
short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P.
8(a)(1).

The rule also 4 provides that “[e]ach allegation must be simple, concise, and direct.” Id. at 8(d)(1).
Plaintiff’s original complaint is forty-two handwritten pages, including factual 5 details unrelated
to his First Amendment claims.

Therefore, Plaintiff shall limit his 6 amended complaint to twenty-five (25) pages[.] 7 (Doc. 17 at
2 (alteration in original).) 8 Despite this order, on February 2, 2022, Plaintiff filed a motion to
exceed the page limit 9 for the FAC. (Doc. 19.) At the same time, Plaintiff lodged a 109-page
FAC, consisting of 165 10 paragraphs—or approximately 65 pages—of handwritten text.

(Doc. 20.) On April 5, 2022, the 11 assigned magistrate judge entered an order finding the lodged
FAC was inappropriate for filing 12 and denying the motion to exceed the 25-page page limit.
(Doc. 21.) However, the Court again 13 granted Plaintiff leave to file an FAC that complied with
Rule 8 of the Federal Rules of Civil 14 Procedure and does not exceed a total of 25 pages.

(Id. at 3.) Plaintiff filed a motion for relief 15 from this order pursuant to Rule 60, as well as
objections to the magistrate judge’s ruling.1 16 (Docs. 22, 23.) 17 During the pendency of the Rule

60 motion and objections, on May 2, 2022, Plaintiff 18 filed another motion for leave to file an FAC exceeding 25-pages and lodged a 39-page FAC. 19 (Docs. 27, 28.)

The Court granted Plaintiff's motion: "Upon review, although the pro se 20 Plaintiff has not strictly complied with the prior court orders, the Court will accept Plaintiff's 21 FAC as filed and screen the FAC in due course." (Doc. 29.) 22 Plaintiff filed a motion requesting the Court to screen the FAC. (Doc. 34.) 23 Approximately fifteen days later, Plaintiff filed a motion to exceed the 25-page limit in a second 24 amended complaint ("SAC").

(Doc. 35) Plaintiff submitted his own declaration in support of 25 the motion, asserting: 26 27 1 The district judge denied the Rule 60 motion and overruled the objections, which were rendered 28 moot because the Court granted Plaintiff's leave to file the 39-page first amended complaint. (See Docs. 1... I amended the complaint for a SAC to add incident where both defendant's Parks and Lirones retaliated against.

The attached exhibits are material evidence 2 of said retaliatory animus. I also attach exhibits to my complaints because the 3 evidence is referred to when engaging in settlement discussion(s) and/or for my Demand For Settlement(s).... If I tried to make the SAC any shorter it would 4 omit some acts of retaliation by defendant's by leaving out the fact(s) leading up 5 to the act(s) of retaliation.

6 (Id. at 3 (scrivener's errors in original).) Plaintiff concurrently lodged a 46-page SAC. (Doc. 7 36.) 8 Upon preliminary review of the proposed SAC, the Court finds the pleading is 9 inappropriate for screening. The pleading does not comply with Federal Rule of Civil Procedure 10 8, which requires the complaint to be "a short and plain statement of the claim showing that the 11 pleader is entitled to relief." Fed.

R. Civ. P. 8(a)(1). The rule also provides that "[e]ach 12 allegation must be simple, concise, and direct." Id. at 8(d)(1). 13 Although Plaintiff's claims do not present novel or complex legal theories, the SAC 14 consists of 4 pages of the civil rights complaint form and approximately 22 typed pages, 2 with 15 212 paragraphs.

The narrative contains excessive and extraneous details; recreated quotations 16 and conversations; and irrelevant and unhelpful comments.³ Because of this, the Court is unable 17 to discern whether Plaintiff's claims have merit. Plaintiff also attached exhibits that he describes 18 as material evidence of retaliatory animus.

However, such exhibits, particularly the declarations 19 of Pena and Laundry, are unnecessary at this pleading and screening stage of the proceedings. 20 The nature of Plaintiff's First Amendment claims and pertinent facts do not warrant an extension 21 of the 25-page limit. 22 The Court will grant Plaintiff leave to file a third amended complaint ("TAC") that is 23 limited to a total of 25 pages, typed and double spaced, and in compliance with Rule 8.

Absent 24 extraordinary circumstances, the Court will not entertain another request to exceed the 25-page 25 2 The Court greatly appreciates that Plaintiff typed this pleading due to the legibility of his 26 previous, handwritten pleadings.

However, the document is not double spaced as required by Local Rule 130(c), making it lengthier than contemplated by the rule. 27 3 For example, Plaintiff states: “[Had] Plaintiff been the same dummy he was 20-years ago he 28 would have ass[a]ulted attacked, battered, defendant Parks for the disrespect and yelling at him like he was 1 | limitation. Plaintiff is reminded that a TAC supersedes the prior complaints.

Lacey v. Maricopa 2 | Cnty., 693 F.3d 896, 927 (9th Cir. 2012). Thus, the TAC must be “complete in itself without 3 || reference to the prior or superseded pleading.” L.R. 220. 4 Accordingly, it is hereby ORDERED: 5 1. Plaintiff’s motion for leave to exceed the page limit for the second amended 6 complaint, (Doc. 35), is DENIED; 7 2. Plaintiff shall file, within thirty (30) days of the date of this Order, a third 8 amended complaint that complies with Rule 8 and does not exceed a total of 9 twenty-five (25) pages.

Alternatively, Plaintiff may voluntarily dismiss this 10 action; 11 3. Plaintiff’s motion requesting the Court to screen the first amended complaint, 12 (Doc. 34), is DENIED AS MOOT; 13 4. Plaintiff’s motion requesting the Court to screen the second amended complaint, 14 (Doc. 37), is DENIED AS MOOT; 15 5.

The Clerk of Court is DIRECTED to provide Plaintiff with a Civil Rights 16 Complaint form. 17 | If Plaintiff fails to comply with this order, the Court will screen the first amended complaint 18 | filed on May 2, 2022, (Doc. 28), in due course. 19 IT IS SO ORDERED. 20 | | Dated: _March 1, 2023 _ □□□ UNITED STATES MAGISTRATE JUDGE 22 23 24 25 26 27 28