UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DOUGLAS SHARRON PIGGEE, Plaintiff, v. U.S. MARSHAL FOR THE EASTERN DISTRICT OF CALIFORNIA, et al., Defendants.	No. 2:25-cv-3182 SCR P ORDER

Plaintiff is a federal pretrial detainee representing himself in this civil rights action filed pursuant to 28 U.S.C. § 1331 and Bivens v. Six Unknown Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). In his complaint, plaintiff alleges violations of his civil rights by defendants who are employed by the United States Marshal Service in Sacramento. Although the alleged violations took place in Fresno County, the named defendants reside in Sacramento County. Therefore, the court finds that this action need not be transferred to the Fresno Division of the United States District Court for the Eastern District of California. See Local Rule 120(f).

At the time of filing the complaint, plaintiff also filed a motion to proceed in forma pauperis. ECF No. 2. The court will defer consideration of plaintiff's motion to proceed in forma pauperis because it is incomplete. The certificate portion of the request which must be completed by plaintiff's institution of incarceration has not been filled out. Also, plaintiff has not filed a certified copy of his inmate trust account statement for the six month period immediately

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preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2). Plaintiff shall be provided the opportunity to submit a completed in forma pauperis application and a certified copy in support of the application within 30 days from the date of this order.

I. Statutory Screening of Prisoner Complaints

The court is required to screen complaints brought by prisoners seeking relief against "a governmental entity or officer or employee of a governmental entity." 28 U.S.C. § 1915A(a). In performing this screening function, the court must dismiss any claim that "(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief." Id. § 1915A(b). A claim is legally frivolous when it lacks an arguable basis either in law or in fact. Neitzke v. Williams, 490 U.S. 319, 325 (1989). The court may dismiss a claim as frivolous if it is based on an indisputably meritless legal theory or factual contentions that are baseless. Neitzke, 490 U.S. at 327. The critical inquiry is whether a constitutional claim, however inartfully pleaded, has an arguable legal and factual basis. See Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989).

In order to avoid dismissal for failure to state a claim a complaint must contain more than "naked assertions," "labels and conclusions" or "a formulaic recitation of the elements of a cause of action." Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-557 (2007). In other words, "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements do not suffice." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). A claim upon which the court can grant relief has facial plausibility. Twombly, 550 U.S. at 570. "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." Iqbal, 556 U.S. at 678. When considering whether a complaint states a claim, the court must accept the allegations as true, Erickson v. Pardus, 551 U.S. 89, 93-94 (2007), and construe the complaint in the light most favorable to the plaintiff, Scheuer v. Rhodes, 416 U.S. 232, 236 (1974).

Moreover, there must be an actual connection or link between the actions of the defendants and the deprivation alleged to have been suffered by plaintiff. See Monell v. Department of Social Services, 436 U.S. 658, 694 (1978); Rizzo v. Goode, 423 U.S. 362, 370-71

(1976). Plaintiff may demonstrate that connection by alleging facts showing: (1) a defendant's "personal involvement in the constitutional deprivation," or (2) that a defendant set "in motion a series of acts by others" or "knowingly refus[ed] to terminate a series of acts by others, which [the defendant] knew or reasonably should have known would cause others to inflict a constitutional injury." Starr v. Baca, 652 F.3d 1202, 1207-08 (9th Cir. 2011) (quotation marks and citation omitted).

II. Motion to Amend

Before the court could screen the complaint, plaintiff filed a motion to amend his complaint to add additional defendants. ECF No. 4. However, the court will not refer to a prior pleading in order to make his amended complaint complete. Local Rule 220 requires that an amended complaint be complete in itself without reference to any prior pleading. Pursuant to Rule 15(a)(1) of the Federal Rules of Civil Procedure, "[a] party may amend its pleading once as a matter of course… within 21 days after serving it...." Since the original complaint has not yet been served, the court will grant plaintiff's motion to amend. Plaintiff may file a first amended complaint that includes all claims and defendants within 30 days from the date of this order. Any claims and defendants not included in the amended complaint will not be considered by the court.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff shall submit, within thirty days from the date of this order, a completed affidavit in support of his request to proceed in forma pauperis on the form provided by the Clerk of Court, and a certified copy of the inmate trust account statement for the six month period immediately preceding the filing of the complaint.

2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In Forma Pauperis By a Prisoner.

3. Plaintiff's motion to amend the complaint (ECF No. 4) is granted.

4. Within thirty days from the date of this order, plaintiff may file an amended complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules of Practice. The amended complaint must bear the docket number assigned this case and must be labeled "First Amended Complaint."

5. Failure to comply with the terms of this order will result in a recommendation that this action be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

DATED: December 2, 2025

SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE