

KEVIN SCHAAP,)	
Plaintiff,)	
v.)	Case No. 17-cv-2837 (APM)
MELISSA F. JUSTICE, et al.,)	
Defendants.)	


On May 15, 2018, the court issued an Order dismissing Plaintiff Kevin Schaap's Complaint without prejudice for failure to satisfy Federal Rule of Civil Procedure 8(a)'s "short and plain" statement requirement. *See* Order, ECF No. 8, at 1. The court, however, granted Plaintiff leave to file a conforming pleading within 30 days. *See id.* at 2. Presumably in response to the court's Order, on June 14, 2018, the court received from Plaintiff a "First Amended Complaint" and a "Motion for Leave to File a Second Amended Complaint." *See* Letter from Kevin Schaap, ECF No. 10 [hereinafter Schaap Ltr.]. The 103-page document styled First Amended Complaint, except for some formatting changes, is identical to Plaintiff's Complaint. *Compare* Compl., ECF No. 1, *with* Schaap Ltr., Ex. A, ECF No. 10-1 [hereinafter First Am. Compl.]; Schaap Ltr., Ex. B, ECF No. 10-2 (exhibits to First Amended Complaint). Plaintiff admits as much. *See* First Am. Compl. at 30 (stating that "plaintiff's amended complaint remains unchanged except with respect to" text contained on page 30). Plaintiff thus has failed to comply with the court's Order of May 15, 2018, directing him to file a "short and plain" statement. The court therefore dismisses Plaintiff's First Amended Complaint for failure to abide by Rule 8(a) and as a sanction for ignoring the court's Order.

The court also denies Plaintiff's Motion for Leave to File a Second Amended Complaint. *See* Schaap Ltr. at 2–5. Plaintiff seeks to file an additional pleading because he posits that his case has been “hi-jacked” and he wishes to incorporate additional facts from “[s]ources [who] tell the plaintiff that arrests and indictments are now, imminent.” *Id.* at 3. This is not a valid ground justifying leave to amend. *See Foman v. Davis*, 371 U.S. 178, 182 (1962) (authorizing courts to deny leave to amend in cases involving “bad faith . . . on the part of the movant,” “repeated failure to cure deficiencies by amendments previously allowed,” and “futility of amendment”).

Accordingly, for the foregoing reasons, the court sua sponte dismisses Plaintiff's First Amended Complaint without prejudice and denies Plaintiff's Motion for Leave to File a Second Amended Complaint. This action is dismissed in its entirety.

This is a final, appealable order.

Dated: July 18, 2018


Amit P. Mehta
United States District Judge