

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LAQUAN L. KEARNEY,

Plaintiff,

v.

BAYSIDE STATE PRISON
ADMINISTRATION, et al.,

Defendants.

Civ. No. 17-6269 (RBK) (KMW)

**MEMORANDUM OPINION AND
ORDER**

Plaintiff Laquan L. Kearney is a prisoner confined at Northern State Prison, in Newark, New Jersey. On June 26, 2018, the Court allowed the case to proceed as to certain Defendants and dismissed, among other things, Plaintiff's claim against Hearing Officer "Ms. Ralph" without prejudice for failure to state a claim. (ECF No. 13). Thereafter, Plaintiff submitted two letters, in which he seeks, among other things, to amend his complaint to add new facts and allegations only as to Ms. Ralph (ECF Nos. 18 & 27).

"However, any attempt to amend or supplement his Complaint must conform to Federal Rule of Civil Procedure 15, and an amended complaint, once accepted by the Court, replaces the original complaint and renders it inoperative." *Iantosca v. Magnone*, No. 16-9497, 2017 WL 3065214, at *4 (D.N.J. July 19, 2017); *see also, e.g., Young v. Keohane*, 809 F. Supp. 1185, 1198 (M.D. Pa. 1992). The Court has reviewed Plaintiff's "letters and declines to permit Plaintiff to supplement his complaint in this piecemeal fashion." *Iantosca*, 2017 WL 3065214, at *4.

If Plaintiff wishes to file an amended complaint, he must file a comprehensive proposed amended complaint, along with a motion to amend, and a brief in support of his motion. Plaintiff should include all of the facts and allegations he seeks to assert against Ms. Ralph and the remaining Defendants. Under Federal Rule of Civil Procedure 10, an "amended complaint may

adopt some or all of the allegations in the original complaint but must clearly and explicitly identify and adopt such allegations.” *Wilson v. Martone*, No. 11-5337, 2012 WL 715319, at *5 n.2 (D.N.J. Mar. 5, 2012) (citing 6 Wright, Miller & Kane, Fed. Prac. and Proc. § 1476 (3d ed.)). To avoid confusion, “the safer course is to file an amended complaint that is complete in itself.” *Id.*

THEREFORE, it is this 9th day of **October, 2018**, hereby

ORDERED that Plaintiff’s letters, to the extent that they seek to amend his complaint on a piecemeal basis (ECF Nos. 18 & 27), are denied without prejudice; and it is further

ORDERED that the Clerk of the Court shall serve Plaintiff with a copy of this Memorandum Opinion and Order via regular U.S. mail.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge