

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: CV 10-5604-GHK (MAN)

Date: September 10, 2010

Title: Scott E. Pombrio v. City-County of Los Angeles, et al.

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DOCKET ENTRY: ORDER DENYING APPLICATION

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PRESENT:

Hon. Margaret A. Nagle, United States Magistrate Judge

Earlene Carson
Deputy Clerk

N/A
Court Reporter/Tape No.

ATTORNEYS PRESENT FOR PLAINTIFF:

ATTORNEYS PRESENT FOR DEFENDANTS:

N/A

N/A

PROCEEDINGS (In Chambers):

The Court is in receipt of plaintiff's "Application To File 2nd Amended Complaint" filed late on the afternoon on September 9, 2010 ("Application"). Plaintiff states that he seek leave to file a "2nd Amended (Supplemental) Complaint per 15 Rule (e), FRCP." The proposed second amended complaint consists of a cover sheet containing a caption and seven appended pages of text numbered pages 10-16. That text commences in the middle of a paragraph, apparently Paragraph 29.

The Application must be, and is, DENIED. When plaintiff communicated with the Pro Se Department regarding his pending request to proceed in forma pauperis and attempted to file piecemeal portions of an amended complaint, he was expressly cautioned that he may not file a complaint in piecemeal portions on different days, and that any proposed complaint he submits must be complete in and of itself. Plaintiff advised the Clerk that he wished to stand on his original Complaint lodged on July 28, 2010, and that pleading was considered by the Court in granting plaintiff leave to proceed in forma pauperis. On August 20, 2010, plaintiff filed his First Amended Complaint.

There is no Rule "15(e)" in the Federal Rules of Civil Procedure. Plaintiff apparently intends a reference to Rule 15(d), which governs supplemental pleadings. The incomplete, partial pleading submitted with the Application is not a supplemental pleading within the meaning of Rule 15(d); it plainly pertains to the events alleged in the pending First Amended Complaint and simply seeks to raise additional causes of action based on those same events, rather than based on "any transaction, occurrence, or event that happened after the date of" the First Amended Complaint. *See* Fed. R. Civ. P. 15(d).

If plaintiff wishes to file a Second Amended Complaint in this action, he must submit a motion to do so, pursuant to Rule 15(a)(2), and append a proposed Second Amended Complaint that is *complete in and of itself*. No piecemeal pleadings or amendments will be allowed.

IT IS SO ORDERED.