

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH R. PULLIAM,

Plaintiff, 1:07 CV 0964 AWI WMW PC

vs. ORDER

. LOZANO, et al.,

Defendants.

On July 15, 2008, an order was entered, granting Plaintiff leave to file an amended complaint. The court found that the original complaint stated a claim as to Defendant Lozano, but failed to state a claim as to Defendant Mason. Plaintiff was advised that if he failed to file an amended complaint, this action would proceed against Defendant Mason.

On July 28, 2008, Plaintiff filed a motion titled as a motion to quash the July 15th order. Plaintiff challenges the finding in the July 15, 2008, order. Plaintiff asserts that the complaint states a claim against a different defendant, based upon an attached statement of facts. On September 9, 2008, an order was entered, denying Plaintiff's motion. On October 2, 2008, Plaintiff filed a notice of appeal. On January 8, 2009, this court received from the Ninth Circuit a copy of the mandate from that court, dismissing the appeal for lack of jurisdiction.

Should Plaintiff desire to allege additional facts, he should do so by way of amended complaint. The amended complaint should be complete in and of itself, without reference to any

1 other pleading. Plaintiff may allege the facts he refers to in his motion. The factual allegations
2 should be contained within the amended complaint, and not attached as a supplemental
3 document.

4 Accordingly, IT IS HEREBY ORDERED that Plaintiff is granted a thirty day extension
5 of time in which to file an amended complaint.

6 IT IS SO ORDERED.

7 Dated: January 12, 2009

/s/ William M. Wunderlich
8 UNITED STATES MAGISTRATE JUDGE

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