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

JOHN BAGENT,

Plaintiff,

1: 07 CV 1687 AWI WMW PC

vs.

ORDER RE MOTION (DOC 9)

STEPHEN MAYBERG, et al.,

Defendants.

Plaintiff has filed a motion for leave to file an amended complaint. Good cause appearing, the motion should be granted pursuant to Federal Rule of Civil Procedure 15(a).

Plaintiff is advised that the court cannot refer to a prior pleading in order to make plaintiff's amended complaint complete. Local Rule 15-220 requires that an amended complaint be complete in itself without reference to any prior pleading. This is because, as a general rule, an amended complaint supersedes the original complaint. See Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967). Once plaintiff files an amended complaint, the original pleading no longer serves any function in the case. Therefore, in an amended complaint, as in an original complaint, each claim and the involvement of each defendant must be sufficiently alleged.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for leave to file an amended complaint is granted. Plaintiff

1 is granted thirty days from the date of service of this order to file a first amended complaint that
2 complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and
3 the Local Rules of Practice; the amended complaint must bear the docket number assigned this
4 case and must be labeled "First Amended Complaint."

5 IT IS SO ORDERED.

6 **Dated:** January 30, 2009

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE

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