

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SANDI NIEVES, CASE NO. CV-F-07-1813 OWW DLB PC
Plaintiff, ORDER ON PLAINTIFF'S MOTIONS TO
v. AMEND COMPLAINT
DEBORAH PATRICK, et al, (Docs. 17, 18)
Defendants. FIRST AMENDED COMPLAINT DUE IN
THIRTY (30) DAYS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action was filed on December 13, 2007. On October 17, 2008, Plaintiff filed two motions to amend her complaint. (Docs. 17, 18).

Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served. Otherwise, a party may amend only by leave of the court or by written consent of the adverse party, and leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). In this case, a responsive pleading has not been served and plaintiff has not previously amended her complaint. Therefore, plaintiff may file an amended complaint without leave of the court.

In addition, plaintiff is advised that Local Rule 15-220 requires that an amended complaint be complete in itself without reference to any prior pleading. 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

1 involvement of each defendant must be sufficiently alleged.

2 Plaintiff may not amend her complaint piecemeal. Accordingly, within 30 days of service
3 of this order, Plaintiff shall file a complete first amended complaint.

4 Failure to comply with this order may result in a recommendation that this action be
5 dismissed for failure to obey a court order and failure to prosecute.

6 IT IS SO ORDERED.

7 Dated: January 15, 2009

/s/ Dennis L. Beck

8 UNITED STATES MAGISTRATE JUDGE

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