

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

KEVIN ROBERSON,

Plaintiff, 1:08 CV 0214 AWI WMW PC

vs. ORDER RE MOTION (DOC 19)

S. ZAMORA, et al.,

## Defendants.

Plaintiff has filed a motion for leave to file an amended complaint. Because there has been no appearance by any defendant, Plaintiff's motion is granted pursuant to Federal Rule of Civil Procedure 15(a).

Plaintiff is advised that his amended complaint should be brief, Fed. R. Civ. P. 8(a), but must state what each named defendant did that led to the deprivation of Plaintiff's constitutional or other federal rights, Hydrick, 500 F.3d at 987-88. Although accepted as true, the "[f]actual allegations must be [sufficient] to raise a right to relief above the speculative level . . ." Bell Atlantic Corp. v. Twombly, 127 S.Ct. 1955, 1965 (2007) (citations omitted).

Plaintiff is also advised that an amended complaint supercedes the original complaint, Forsyth v. Humana, Inc., 114 F.3d 1467, 1474 (9th Cir. 1997); King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987), and must be “complete in itself without reference to the prior or superceded

1 pleading," Local Rule 15-220. Plaintiff is warned that "[a]ll causes of action alleged in an  
2 original complaint which are not alleged in an amended complaint are waived." King, 814 F.2d  
3 at 567 (citing to London v. Coopers & Lybrand, 644 F.2d 811, 814 (9th Cir. 1981)); accord  
4 Forsyth, 114 F.3d at 1474.

5 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for leave to file an  
6 amended complaint is granted. Plaintiff's amended complaint is due within thirty days of the  
7 date of service of this order.

8 IT IS SO ORDERED.

9 **Dated: April 6, 2009**

/s/ **William M. Wunderlich**  
10 UNITED STATES MAGISTRATE JUDGE

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