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

BALWINDER SINGH TUNG,

Plaintiff,

vs.

1: 08 CV 0457 AWI WMW PC

ORDER RE MOTION (DOC 10, 13)

JAMES HARTLEY, et al.,

Defendants.

Plaintiff has filed a motion to supplement the complaint and to amend the complaint. Good cause appearing, the court will grant Plaintiff's motions. Plaintiff is advised that he should file an amended complaint that includes all of his claims and allegations. The court will not look to any prior pleading in order to make the amended complaint complete. The Amended complaint must be complete in and of itself.

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.

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

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

3 2. Plaintiff is granted thirty days from the date of service of this order to file a
4 first amended complaint that complies with the requirements of the Civil Rights Act, the Federal
5 Rules of Civil Procedure, and the Local Rules of Practice; the amended complaint must bear the
6 docket number assigned this case and must be labeled "First Amended Complaint." Failure to
7 file an amended complaint in accordance with this order will result in a recommendation that this
8 action be dismissed.

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10
11 IT IS SO ORDERED.

12 **Dated: February 9, 2009**

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE