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

RAMIRO ROMERO,

Plaintiff,

vs.

1: 08 CV 00669 LJO MJS (PC)

ORDER RE MOTION (DOC 15)

JAMES YATES, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is Plaintiff’s motion for leave to file a supplemental complaint.

On February 11, 2010, an order was entered, dismissing the complaint and granting Plaintiff leave to file an amended complaint. In the February 11, 2010 order, Plaintiff was advised that an amended complaint would supercede the original complaint and that it must be “complete in itself without reference to the prior or superceded pleading.”

On February 25, 2010, Plaintiff filed a first amended complaint which is now before the court.

Because the February 11, 2010, order granted Plaintiff leave to file an amended complaint, such a complaint has indeed been filed and that amended complaint must be

1 complete in itself, Plaintiff's motion to file a supplemental complaint is denied. If Plaintiff
2 desires to include additional allegations, he shall file a motion for leave to file a second amended
3 complaint within thirty days of the date of service of this order. Absent the filing of a motion to
4 file a second amended complaint within the time specified, this action will proceed on the March
5 15, 2010, first amended complaint.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's motion for leave to file a supplemental complaint is denied.
- 8 2. Plaintiff is granted thirty days from the date of service of this order in which to file a
9 motion for leave to file a second amended complaint. Absent such a motion within the allotted
10 time, this action will proceed on the March 15, 2010, first amended complaint.

11
12 IT IS SO ORDERED.

13 **Dated: May 4, 2010**

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE