

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JOHN D. HORTON,

CASE NO. 1:09-cv-01441-SMS

Plaintiff,

v.

ORDER GRANTING PLAINTIFF’S MOTION  
TO AMEND THE COMPLAINT

SIERRA CONSERVATION CENTER,  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION,

(Doc. 23)

Defendant.

\_\_\_\_\_/

Plaintiff John Horton, proceeding pro se and in forma pauperis, moves for leave to amend his complaint in this action. Defendant Sierra Conservation Center, California Department of Corrections and Rehabilitation, opposes the motion, contending that Plaintiff has failed to comply with Local Rule 15-220, which provides, in pertinent part:

Unless prior approval to the contrary is obtained from the Court, every pleading to which an amendment or supplement is permitted as a matter of right or has been allowed by Court order shall be retyped and filed so that it is complete in itself without reference to the prior or superseded pleading. No pleading shall be deemed supplemented until this rule has been complied with. All changed pleadings shall contain copies of all exhibits referred to in the changed pleading.

Plaintiff’s motion indicates the language with which he proposes to supplement his complaint and specifies the location into which it is to be inserted, but does not provide a completely retyped complaint.

Plaintiff’s failure to provide a complete copy of his proposed First Amended Complaint is not fatal to his motion. Local Rule 15-220 provides that “every pleading to which an amendment

1 or supplement . . . has been permitted by Court order shall be retyped and  
2 filed . . . .” In granting Plaintiff’s motion to amend, this Court’s order shall serve as the order  
3 triggering Plaintiff’s obligation to prepare and file a complete First Amended Complaint.

4 Accordingly, Plaintiff’s motion to amend the complaint is hereby GRANTED. Within 21  
5 days of this order, Plaintiff shall prepare and file a retyped version of the complaint, captioned  
6 “First Amended Complaint,” and incorporating the additional language in the manner set forth in  
7 the motion to amend. In all other regards, the complaint shall remain unchanged.

8 Plaintiff is reminded that an amended complaint supercedes the original complaint  
9 (*Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997), *aff’d*, 525 U.S. 299 (1999); *King*  
10 *v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987)) and must be “complete in itself without reference to  
11 the prior or superceded pleading.” Local Rule 15-220. “All causes of action alleged in an  
12 original complaint which are not alleged in an amended complaint are waived.” *King*, 814 F.2d  
13 at 567; *accord Forsyth*, 114 F.3d at 1474.

14 Plaintiff is further advised that, should he need to consult them in the future, the Local  
15 Rules are available on the Court’s website ([www.caed.circ9.dcn/caed/DOCUMENTS/  
16 localRules/LR03032010.pdf](http://www.caed.circ9.dcn/caed/DOCUMENTS/localRules/LR03032010.pdf)).

17  
18  
19  
20 IT IS SO ORDERED.

21 **Dated: June 30, 2010**

/s/ Sandra M. Snyder  
22 UNITED STATES MAGISTRATE JUDGE  
23  
24  
25  
26  
27  
28