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

ALLEN LANGLEY,	)	NO. 1:10-cv-00030-MJS PC
	)	
Plaintiff,	)	ORDER GRANTING MOTION FOR
	)	LEAVE TO FILE AN AMENDED
v.	)	COMPLAINT
	)	
R. J. BALLASH,	)	AMENDED COMPLAINT DUE IN
	)	THIRTY DAYS
Defendant.	)	
_____	)	(Doc. 19)

Plaintiff is a federal prisoner proceeding pro se in this civil rights action. Plaintiff has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. §(c)(1). Pending before the court is plaintiff’s motion for leave to file an amended complaint.

Plaintiff seeks leave to file an amended complaint under Federal Rule of Civil Procedure 15(a). Pursuant to that rule, plaintiff may amend his complaint once, as a matter of course, so long as a responsive pleading has not been filed. Defendant has not been served, and has not entered an appearance. This motion should therefore be granted.

Plaintiff is cautioned that he may not change the nature of this suit by adding new, unrelated claims in his amended complaint. George, 507 F.3d at 607 (no “buckshot” complaints). Plaintiff’s 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

1 must be [sufficient] to raise a right to relief above the speculative level . . . .” Bell Atlantic Corp.  
2 v. Twombly, 127 S.Ct. 1955, 1965 (2007) (citations omitted).

3 Finally, plaintiff is advised that an amended complaint supercedes the original complaint,  
4 Forsyth v. Humana, Inc., 114 F.3d 1467, 1474 (9th Cir. 1997); King v. Atiyeh, 814 F.2d 565, 567  
5 (9th Cir. 1987), and must be “complete in itself without reference to the prior or superceded  
6 pleading,” Local Rule 220. Plaintiff is warned that “[a]ll causes of action alleged in an original  
7 complaint which are not alleged in an amended complaint are waived.” King, 814 F.2d at 567  
8 (citing to London v. Coopers & Lybrand, 644 F.2d 811, 814 (9th Cir. 1981)); accord Forsyth, 114  
9 F.3d at 1474.

10 Accordingly, based on the foregoing, it is HEREBY ORDERED that:

- 11 1. Plaintiff’s motion for leave to file an amended complaint is granted;
- 12 2. The Clerk’s Office shall send to plaintiff a complaint form;
- 13 3. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file  
14 an amended complaint;
- 15 4. Plaintiff may not add any new, unrelated claims to this action via his amended  
16 complaint and any attempt to do so will result in an order striking the amended  
17 complaint.

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21 IT IS SO ORDERED.

22 Dated: June 7, 2010

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE