

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Plaintiff Barry Halajian (“Plaintiff”), appearing pro se, filed the instant civil rights action on July 30, 2010. On September 14, 2010, the Court ordered Plaintiff to serve his First Amended Complaint. Plaintiff has not yet filed proofs of service.

On September 21, 2010, Plaintiff filed a document entitled, "First Amended Complaint Exhibit C." He attaches correspondence with the Fresno Police Department and explains that although Exhibit C was referenced in the First Amended Complaint, it was not attached because of "mistake, inadvertence or excusable neglect."

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King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987), and must be “complete in itself without reference to the prior or superceded pleading.” Local Rule 220.

Therefore, Plaintiff cannot file a separate exhibit and have it be part of the previously filed First Amended Complaint. Accordingly, Document 12 is STRICKEN from the record.

1 Plaintiff may file a Second Amended Complaint, which includes ALL exhibits, within  
2 twenty (20) days of the date of service of this order. Fed. R. Civ. Proc. 15(a)(1).

3 Plaintiff is reminded that Defendants must be served with the Second Amended  
4 Complaint in the manner set forth in the September 14, 2010, order.

5  
6 IT IS SO ORDERED.

7 Dated: September 24, 2010

8 /s/ Dennis L. Beck  
9 UNITED STATES MAGISTRATE JUDGE

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28