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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA

8 BARRY HALAJIAN, ) 1:10cv01358 AWI DLB  
9 )  
10 )  
11 Plaintiff, ) ORDER STRIKING EXHIBIT AND  
12 v. ) REQUIRING PLAINTIFF TO FILE  
13 THE CITY OF FRESNO, et al., ) AMENDED COMPLAINT  
14 )  
15 Defendants. )

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

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

24 An amended complaint supercedes the original complaint, Forsyth v. Humana, Inc., 114  
25 F.3d 1467, 1474 (9th Cir. 1997); King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987), and must be  
26 “complete in itself without reference to the prior or superceded pleading.” Local Rule 220.

27 Therefore, Plaintiff cannot file a separate exhibit and have it be part of the previously  
28 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.

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6 IT IS SO ORDERED.

7 **Dated: September 24, 2010**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE