

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GRAHAM ROGER-LEE  
DE-LUIS-CONTI,

Plaintiff,

v.

M. CATES, et al.,

Defendants.

CASE NO. 1:10-cv-1852-LJO-MJS (PC)

ORDER GRANTING MOTION TO AMEND  
(ECF Nos. 24 & 25)

PLAINTIFF'S THIRD AMENDED  
COMPLAINT DUE 1/14/11

Plaintiff Graham Roger-Lee De-Luis-Conti ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On November 9, 2010, the Court denied Plaintiff's Motion to Transfer this case to the Northern District of California. (ECF No. 23.) In its Order denying the Motion to Transfer, the Court noted that while Plaintiff's initial Complaint contained allegations regarding his imprisonment at Salinas Valley, those allegations were not included in his Amended Complaint. (Id. at 2 n.1.) Since the Amended Complaint only contained allegations regarding his care at California Substance Abuse Treatment Facility, which is located in the Eastern District of California, the Court denied the Motion to Transfer. (Id.)

Before the Court are Plaintiff's Responses to the denial of his Motion to Transfer. (ECF Nos. 24 & 25.) Plaintiff contends that he meant to incorporate all of his claims in his Second Amended Complaint, including the events at Salinas Valley. However, as Plaintiff previously was advised, an amended complaint supercedes the original, Forsyth v.

1 Humana, Inc., 114 F.3d 1467, 1474 (9th Cir. 1997); King v. Atiyeh, 814 F.2d 565, 567 (9th  
2 Cir. 1987), and must be “complete in itself without reference to the prior or superceded  
3 pleading,” Local Rule 220. Thus, Plaintiff’s attempt to incorporate his Salinas Valley  
4 claims into his Second Amended Complaint was unsuccessful.

5 Plaintiff now asks the Court for permission to submit a complaint that encompasses  
6 all of his claims. The Court construes Plaintiff’s request as a motion to amend and grants  
7 it. Plaintiff may file a Third Amended Complaint. It shall be filed not later than **January**  
8 **14, 2011.**

9  
10 IT IS SO ORDERED.

11 Dated: December 6, 2010

/s/ Michael J. Leng  
UNITED STATES MAGISTRATE JUDGE