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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EUGENE E. FORTE,  
Plaintiff,

v.

COUNTY OF MERCED, *et al.*,  
Defendant.

Case No. 1:11-cv-00318-AWI-BAM

**ORDER SETTING BRIEFING  
SCHEDULE ON PLAINTIFF'S MOTION  
TO AMEND FIRST AMENDED  
COMPLAINT**

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On November 4, 2013, the Court held an initial scheduling conference. Plaintiff Eugene Forte appeared in person on behalf of himself. Counsel Roger Matzkind appeared in person on behalf of Defendants John Picinich, Jaskowiac, Hill, and Leuchner. Counsel Rayma Church appeared in person on behalf of Defendant Anthony Parker.

During the scheduling conference, Plaintiff expressed a desire to amend the First Amended Complaint to add additional defendants and claims. The Court finds that it would be premature to set a schedule for trial in light of plaintiff's request. Accordingly, the Court sets the following briefing schedule on Plaintiff's Motion to Amend the First Amended Complaint:

1. Plaintiff shall file his Motion to Amend the First Amended Complaint on or before **January 31, 2014.**
2. Defendants shall file their opposition, if any, on or before **February 28, 2014.**
3. Plaintiff shall file his reply, if any, on or before **March 21, 2014.**

1           4.       A hearing will be held on **April 4, 2014**, at 9:00 AM, in Courtroom 8, before United  
2 States Magistrate Judge Barbara A. McAuliffe.

3           Moving and opposition briefs shall not exceed twenty-five (25) pages. Plaintiff’s reply brief  
4 shall not exceed ten (10) pages. *See*, Standing Order of Magistrate Judge Barbara A. McAuliffe ¶8.  
5 Any brief that does not strictly comply with these page limitations will be stricken. Accordingly, the  
6 Court expects the parties to present a distilled, succinct presentation of the facts and law necessary to  
7 reach a decision.

8           Plaintiff is advised that an amended complaint supersedes the original complaint and must be  
9 “complete in itself without reference to the prior or superseded pleading.” L.R. 220; *see also*, *Forsyth*  
10 *v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997) overruled in part on other grounds, *Lacey v.*  
11 *Maricopa County*, 693 F.3d 896, 928 (9th Cir. Aug.29, 2012) (en banc); *King v. Atiyeh*, 814 F.2d 565,  
12 567 (9th Cir. 1987).

13  
14 IT IS SO ORDERED.

15 Dated: November 5, 2013

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE