

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MATTHEW ALAN LAWRIE,

CASE NO. 1:11-cv-00947-SMS PC

Plaintiff,

ORDER STRIKING MOTION TO ALLOW
DECLARATION OF JAMES LEROY MOSES,
SR.

v.

KATHLEEN ALLISON, et al.,

(ECF No. 12)

Defendants.

Plaintiff Matthew Alan Lawrie (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The complaint in this action was filed on May 25, 2011. On September 1, 2011, Plaintiff filed a motion to allow declaration of James Leroy Moses, Sr. to support Plaintiff’s complaint. (ECF No. 10.)

Local Rule 220 provides, in relevant part, every pleading shall be “complete in itself without reference to the prior or superseded pleading.” Plaintiff seeks to submit an exhibit to the complaint. However, under Rule 220, Plaintiff may not amend the complaint by adding information or exhibits piecemeal after the complaint has been filed. 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King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987), and must be “complete in itself without reference to the prior or superseded pleading.” Local Rule 220. To add the exhibit, Plaintiff must file a new, amended complaint. Once an amended complaint is filed, the original complaint no longer serves any function in the case. Therefore, in an amended complaint, as in an original complaint, each claim and the involvement of each defendant must be sufficiently alleged.

1 Under Rule 15(a) of the Federal Rule of Civil Procedure, a party may amend the party's
2 pleading once as a matter of course at any time before a responsive pleading is served. Otherwise,
3 a party may amend only by leave of the court or by written consent of the adverse party, and leave
4 shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). Because Plaintiff has not
5 amended the Complaint, and no responsive pleading has been served in this action, Plaintiff has
6 leave to file an amended complaint as a matter of course.

7 Plaintiff is advised that for screening purposes, the Court must assume that Plaintiff's factual
8 allegations are true. Therefore, it is generally unnecessary for Plaintiff to submit exhibits in support
9 of the allegations in a complaint.

10 Accordingly, Plaintiff's motion to allow declaration of James Leroy Moses, Sr., filed
11 September 1, 2011, is STRICKEN from the record.

12
13
14 IT IS SO ORDERED.

15 **Dated: September 6, 2011**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE