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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

11 JOSEPH ANTHONY BROWN,   CASE No. 1:11-cv-01562-MJS (PC)

12   ORDER REQUIRING PLAINTIFF TO
                                        CLARIFY WHETHER PROCEEDING ON
13   Plaintiff,   SECOND AMENDED COMPLAINT OR
                                        SEEKING LEAVE TO FILE AN AMENDED
14   v.   PLEADING

15 UNITED STATES OF AMERICA, et al.,   (ECF Nos. 33, 34)

16   FOURTEEN (14) DAY DEADLINE
                    Defendants.
17

18 _____/

19   Plaintiff Joseph Anthony Brown, a federal prisoner proceeding pro se filed this

20 action on September 15, 2011 pursuant to 42 U.S.C. § 1983 and Bivens v. Six

21 Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971).

22 (Compl., ECF No. 1.) On March 14, 2012, the Complaint was screened and dismissed, with

23 leave to amend, for failure to state a claim. (Order Dismiss. Compl., ECF No. 12.) On May

24 2, 2012, Plaintiff's First Amended Complaint (First Am. Compl., ECF No. 16) also was

25 dismissed for failure to state a claim with leave to amend. (Order Dismiss. First Am.

26 Compl., ECF No. 22.) On August 24, 2012, Plaintiff (1) filed a motion to add a

27 supplemental complaint (Mot. to Supp., ECF No. 33), and (2) lodged a second amended

28 complaint. (Second Am. Compl., ECF No. 34.)

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The Court is uncertain whether Plaintiff wishes to proceed upon the lodged Second Amended Complaint or seeks leave to file a third amended complaint. Plaintiff may not proceed on both the Second Amended Complaint and a supplemental complaint. Amended pleadings must be complete within themselves without reference to another pleading. Partial amendments are not permissible. Local Rule 220.

Accordingly, it is hereby ORDERED that Plaintiff, not later fourteen (14) days from service of this order, notify the Court in writing whether he wishes to proceed upon the lodged Second Amended Complaint or file a third amended complaint.

If Plaintiff fails to comply with this order, this action may be dismissed for failure to obey a Court order.

IT IS SO ORDERED.

Dated: August 28, 2012   /s/ *Michael J. Seng*
                                   UNITED STATES MAGISTRATE JUDGE