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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

EDIN A. CHACON,

1:11-cv-01689-GSA-PC

Plaintiff,

ORDER DENYING MOTION TO FILE  
SUPPLEMENTAL COMPLAINT  
(Doc. 16.)

v.

ORDER DENYING MOTION TO AMEND  
(Doc. 19.)

J. CERRINI, et al.,

ORDER DIRECTING CLERK TO RETURN  
LODGED SUPPLEMENTAL COMPLAINT TO  
PLAINTIFF  
(Doc. 17.)

Defendants.

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**I. BACKGROUND**

Edin A. Chacon (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. On January 10, 2011, Plaintiff filed the Complaint commencing this action. (Doc. 1.)

On November 23, 2011, Plaintiff filed a motion for leave to file a supplemental complaint (Doc. 16) and lodged a proposed supplemental complaint (Doc. 17). On March 23, 2012, Plaintiff filed a motion to amend the Complaint. (Doc. 19.) On April 12, 2012, the Court issued an order dismissing the Complaint, with leave to file an amended complaint within thirty days. (Doc. 20.) Plaintiff’s motion to supplement the complaint and motion to amend the complaint are now before the Court.

1 **II. MOTION TO FILE SUPPLEMENTAL COMPLAINT**

2 Plaintiff requests leave to file a supplemental complaint pursuant to Rule 15 of the Federal  
3 Rules of Civil Procedure, to incorporate newly discovered adverse actions by defendants and to name  
4 a new defendant. In light of the fact that Plaintiff's Complaint was dismissed by the Court on April  
5 13, 2012, with leave to file an amended complaint within thirty days, there is presently no complaint  
6 on file for Plaintiff to supplement. Therefore, Plaintiff's motion to file a supplemental complaint  
7 is moot and shall be denied. The Clerk shall be directed to return Plaintiff's proposed supplemental  
8 complaint to him.

9 **III. MOTION TO AMEND**

10 In his motion to amend, Plaintiff requests the Court to make changes for him to the amount  
11 of relief requested in the Complaint. Plaintiff is advised that he may not amend the complaint in this  
12 manner.

13 Local Rule 220 provides, in part:

14 Unless prior approval to the contrary is obtained from the Court, every  
15 pleading to which an amendment or supplement is permitted as a matter of right or  
16 has been allowed by court order shall be retyped and filed so that it is complete in  
17 itself without reference to the prior or superseded pleading. No pleading shall be  
18 deemed amended or supplemented until this Rule has been complied with. All  
19 changed pleadings shall contain copies of all exhibits referred to in the changed  
20 pleading.

21 L.R. 220.

22 Thus, under Rule 220, Plaintiff may not amend the Complaint by adding or changing  
23 information piecemeal after the Complaint has been filed. To change a portion of the Complaint,  
24 Plaintiff must file a new amended complaint which is complete within itself. Therefore, Plaintiff's  
25 motion to amend shall be denied.

26 **IV. CONCLUSION**

27 Based on the foregoing, IT IS HEREBY ORDERED that:

- 28 1. Plaintiff's motion to file a supplemental complaint, filed on November 23, 2011, is  
DENIED;
2. Plaintiff's motion to amend, filed on March 23, 2012, is DENIED; and

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2. The Clerk of Court is DIRECTED to return to Plaintiff the proposed supplemental complaint lodged on November 23, 2011 (Doc. 17).

IT IS SO ORDERED.

**Dated: April 16, 2012**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE