

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LEONARD RANSOM, JR.,

Plaintiff,

vs.

DANNY HERRERA, et al.,

Defendants.

1:11-cv-01709-GSA-PC

ORDER DENYING PLAINTIFF'S  
MOTION FOR COURT TO CORRECT  
ERRORS IN THE COMPLAINT AND  
SUMMONS  
(Doc. 20.)

ORDER INFORMING PLAINTIFF HE  
IS PERMITTED TO FILE AMENDED  
COMPLAINT AS A MATTER OF  
COURSE

ORDER FOR CLERK TO SEND  
COMPLAINT FORM TO PLAINTIFF

THIRTY DAY DEADLINE TO FILE  
FIRST AMENDED COMPLAINT

**I. BACKGROUND**

Leonard Ransom, Jr. ("Plaintiff") is a state prisoner proceeding pro se with this civil rights action pursuant to 42 U.S.C. § 1983. On October 13, 2011, Plaintiff filed the Complaint commencing this action. (Doc. 1.) On October 25, 2011, Plaintiff consented to Magistrate Judge jurisdiction in this action pursuant to 28 U.S.C. § 636(c), and no other parties have made an appearance. (Doc. 4.) Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of California, the undersigned shall conduct any and all proceedings in the case until such time as reassignment to a District Judge is required. Local Rule Appendix A(k)(3).

This action now proceeds on the initial Complaint against defendants Sergeant Ricky Brannum and Correctional Officer Danny Herrera for conspiracy, and against defendant Lieutenant L. Castro for violation of due process.<sup>1</sup> On September 19, 2014, the court found the

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<sup>1</sup> On September 19, 2014, the court issued an order dismissing all other claims and defendants from this action, based on Plaintiff's failure to state a claim. (Doc. 16.)

1 Complaint appropriate for service and sent Plaintiff two issued summonses, a copy of the  
2 Complaint, and other documents to enable Plaintiff to serve process.<sup>2</sup>

3 On December 29, 2014, Plaintiff filed a motion to correct two errors in the Complaint.  
4 (Doc. 20.) Plaintiff also requested the court to correct and re-issue one of the summonses. (Id.)

5 **II. LOCAL RULE 220 AND FEDERAL RULE OF CIVIL PROCEDURE 15(a) -**  
6 **AMENDING THE COMPLAINT**

7 Local Rule 220 provides, in part:

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11 complete in itself without reference to the prior or superseded pleading.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

15 Plaintiff requests correction of two errors in the Complaint. First, Plaintiff seeks to  
16 change the name of defendant “L. Castro” to “J. Castro.” Second, Plaintiff seeks to replace the  
17 date “4/5/09” in paragraph 24 of the Complaint to “5/5/09.” Plaintiff may not amend the  
18 Complaint in this manner. To add or correct information in the Complaint, Plaintiff must  
19 “retype and file” a new First Amended Complaint which is complete in itself and does not refer  
20 back to the initial Complaint. L. R. 220. As a general rule, an amended complaint supersedes  
21 the original complaint. See Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967). Once an amended  
22 complaint is filed, the original complaint no longer serves any function in the case. Therefore,  
23 in an amended complaint, as in an original complaint, each claim and the involvement of each  
24 defendant must be sufficiently alleged.

25 Under Rule 15(a) of the Federal Rule of Civil Procedure, a party may amend the party's  
26 pleading once as a matter of course at any time before a responsive pleading is served.  
27 Otherwise, a party may amend only by leave of the court or by written consent of the adverse  
28 party, and leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). Here,  
because Plaintiff has not previously amended the complaint and no responsive pleading has

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<sup>2</sup> Plaintiff paid the filing fee for this action on November 21, 2011. (Court Record.) Therefore, Plaintiff is responsible for serving process upon defendants in this action himself.

1 been served in this action, Plaintiff has leave to file an amended complaint as a matter of  
2 course. Plaintiff shall be granted thirty days to file an amended complaint making the needed  
3 changes.

4 **III. REQUEST TO CORRECT SUMMONS**

5 Plaintiff also requests the court to re-issue the summons for defendant Castro using the  
6 name “L. Castro” in place of “J. Castro.” This request is moot, because after Plaintiff files the  
7 First Amended Complaint correcting defendant Castro’s name, the court will issue new  
8 summonses reflecting the defendants’ names in the First Amended Complaint.<sup>3</sup> Therefore, this  
9 request shall be denied.

10 **IV. CONCLUSION AND ORDER**

11 Plaintiff is granted thirty days in which to file a First Amended Complaint. Plaintiff is  
12 informed he must demonstrate in his amended complaint how the conditions complained of  
13 have resulted in a deprivation of plaintiff’s constitutional rights. See Ellis v. Cassidy, 625 F.2d  
14 227 (9th Cir. 1980). The amended complaint should be brief, Fed. R. Civ. P. 8(a), but must  
15 state what each defendant did that led to the deprivation of Plaintiff’s constitutional or other  
16 federal rights. There can be no liability under 42 U.S.C. § 1983 unless there is some  
17 affirmative link or connection between a defendant’s actions and the claimed deprivation.  
18 Rizzo v. Goode, 423 U.S. 36 (1976); May v. Enomoto, 633 F.2d 164, 167 (9th Cir. 1980);  
19 Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978).

20 Plaintiff should note that although he has the opportunity to amend, it is not for the  
21 purpose of adding allegations of events occurring after October 13, 2011. Plaintiff may not  
22 change the nature of this suit by adding new, unrelated claims in his amended complaint.  
23 George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007) (no “buckshot” complaints). In addition,  
24 Plaintiff should take care to include only those claims that have been exhausted prior to the  
25 initiation of this suit on October 13, 2011.

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28 <sup>3</sup> After the First Amended Complaint is filed, the court shall screen it pursuant to 28 U.S.C. § 1915A to determine whether it states any cognizable claims. Service shall not go forward until the screening process has been completed.

1 Finally, as discussed above, Plaintiff is advised that Local Rule 220 requires that an  
2 amended complaint be complete in itself without reference to any prior pleading. As a general  
3 rule, an amended complaint supersedes the original complaint. See Loux v. Rhay, 375 F.2d  
4 55, 57 (9th Cir. 1967). Once an amended complaint is filed, the original complaint no longer  
5 serves any function in the case. Therefore, in an amended complaint, as in an original  
6 complaint, each claim and the involvement of each defendant must be sufficiently alleged. The  
7 First Amended Complaint should be clearly and boldly titled "First Amended Complaint," refer  
8 to the appropriate case number, and be an original signed under penalty of perjury.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's motion requesting the court to make corrections to the Complaint and  
11 summons is DENIED;
- 12 2. Plaintiff is informed that he has leave to amend the Complaint once as a matter  
13 of course;
- 14 3. Within thirty (30) days from the date of service of this order, Plaintiff shall file a  
15 First Amended Complaint using the court's form;
- 16 4. The First Amended Complaint should be clearly and boldly titled "First  
17 Amended Complaint," refer to case number 1:11-cv-01709-GSA-PC, and be an  
18 original signed under penalty of perjury;
- 19 5. The Clerk of the Court shall send one civil rights complaint form to Plaintiff;  
20 and
- 21 6. Plaintiff is warned that the failure to comply with this order will result in the  
22 dismissal of this action for failure to obey a court order.

23  
24 IT IS SO ORDERED.

25 Dated: January 4, 2015

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