

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

ROBIN GILLEN STARR,)
)
 Plaintiff,)
)
 v.)
)
 CDCR,)
)
 Defendant.)
 _____)

1:11-cv-02108-AWI-GSA-PC
ORDER STRIKING SUPPLEMENTAL
COMPLAINT LODGED ON JULY 18,
2012
(Doc. 26.)

Robin Gillen Starr ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on December 22, 2011. (Doc. 1.) On January 19, 2012, Plaintiff filed a motion to amend the Complaint. (Doc. 10.) On January 23, 2012, the Court issued an order informing Plaintiff that he has leave to amend the Complaint once as a matter of course, granting Plaintiff thirty days in which to amend the Complaint. (Doc. 11.) On February 15, 2012, Plaintiff filed another motion to amend the Complaint. (Doc. 14.) On February 16, 2012, the Court issued an order denying Plaintiff's February 15 motion as moot, in light of the January 23 order. (Doc. 15.) On April 6, 2012, Plaintiff filed another motion to amend the Complaint. (Doc. 21.) On June 26, 2012, the Court issued an order granting Plaintiff leave to file an amended complaint within thirty days. (Doc. 23.) On July 18, 2012, Plaintiff submitted a Supplemental Complaint which was lodged by the Court on the same date. (Doc. 26.)

1 Under Rule 15(d), “the court may, on just terms, permit a party to serve a supplemental pleading
2 setting out any transaction, occurrence, or event that happened after the date of the pleading to be
3 supplemented.” Fed. R. Civ. P. 15(d). However, a party may only file a supplemental complaint with
4 leave of court. Id. Here, Plaintiff has not requested, nor been granted, leave of court to file a
5 supplemental complaint. Plaintiff’s lodged Supplemental Complaint recites allegations against
6 defendants arising in 2012, after the Complaint commencing this action was filed. The Court’s order
7 granting Plaintiff leave to amend did not grant him leave to file a supplemental complaint. In fact,
8 Plaintiff was advised in the Court’s order of January 23, 2012 that he did not have leave “to add new
9 defendants relating to issues arising after December 22, 2011,” and that he must “include only those
10 claims that have been exhausted prior to the initiation of this suit on December 22, 2011.” (Doc. 11.)
11 Therefore, Plaintiff does not have leave to file a supplemental complaint, and the Supplemental
12 Complaint lodged on July 18, 2012, shall be stricken from the record.

13 Based on the foregoing, IT IS HEREBY ORDERED THAT Plaintiff’s Supplemental Complaint,
14 lodged on July 18, 2012, is STRICKEN from the Court’s record.

15
16 IT IS SO ORDERED.

17 **Dated: September 24, 2012**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE