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

ROBIN GILLEN STARR,  
Plaintiff,  
v.  
CDCR, et al.,  
Defendants.

1:11-cv-02108-AWI-GSA-PC  
ORDER FOR CLERK TO DETACH  
SUPPLEMENTAL COMPLAINT FROM  
PLAINTIFF'S MOTION TO COMPEL AND  
LODGE IT AS A SEPARATE DOCUMENT  
(Doc. 30.)  
ORDER STRIKING SUPPLEMENTAL  
COMPLAINT LODGED ON JULY 27, 2012

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**I. BACKGROUND**

Robin Gillen Starr ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on December 22, 2011. (Doc. 1.) The Court screened the Complaint pursuant to 28 U.S.C. § 1915A and entered an order on January 23, 2013, dismissing the Complaint for failure to state a claim and for violations of Rules 8 and 18, with leave for Plaintiff to file a First Amended Complaint within thirty days. (Doc. 56.)

On July 27, 2012, Plaintiff filed a motion to compel, which was docketed by the Clerk as Document 30 on the court record. (Doc. 30.) Upon recent review of the motion to compel, the Court discovered that Plaintiff had also submitted a proposed supplemental complaint on July 27, 2012, which was attached to the back of the motion to compel.

1 **II. THE CLERK SHALL LODGE THE SUPPLEMENTAL COMPLAINT**

2 The Clerk shall be directed to remove the supplemental complaint from the back of the  
3 motion to compel and re-scan it as a separate twelve-page document lodged on July 27, 2012. The  
4 lodged supplemental complaint consists of twelve pages including the complaint itself, a summons,  
5 a proposed order to show cause, two declarations, and a proof of service.

6 **II. SUPPLEMENTAL COMPLAINT**

7 Under Rule 15(d), “the court may, on just terms, permit a party to serve a supplemental  
8 pleading setting out any transaction, occurrence, or event that happened after the date of the pleading  
9 to be supplemented.” Fed. R. Civ. P. 15(d). However, a party may only file a supplemental  
10 complaint with leave of court. Id.

11 Here, Plaintiff has not requested, nor been granted, leave of court to file a supplemental  
12 complaint. Therefore, the proposed supplemental complaint, lodged on July 27, 2012, shall be  
13 stricken from the record.

14 **III. CONCLUSION**

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

- 16 1. The Clerk of Court is DIRECTED to detach Plaintiff's supplemental complaint from  
17 the back of the motion to compel filed on July 27, 2012, and re-scan it as a separate  
18 twelve-page document lodged on July 27, 2012 (the lodged supplemental complaint  
19 consists of twelve pages including the complaint itself, a summons, a proposed order  
20 to show cause, two declarations, and a proof of service); and  
21 2. Plaintiff's supplemental complaint, lodged on July 27, 2012, is STRICKEN from the  
22 record.

23  
24 IT IS SO ORDERED.

25 Dated: January 29, 2013

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE