

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 FOR THE EASTERN DISTRICT OF CALIFORNIA  
8

9 DARRELL HARRIS,  
10 Plaintiff,  
11 v.  
12 S. ESCAMILLA, *et al.*,  
13 Defendants.  
14

Case No. 1:13-cv-01354-DAD-JDP  
ORDER GRANTING LEAVE TO AMEND

15 Plaintiff Darrell Harris is a state prisoner proceeding pro se in this civil rights action  
16 under 42 U.S.C. § 1983. The U.S. Court of Appeals for the Ninth Circuit has held that the court  
17 erred in granting summary judgment for defendant Escamilla on plaintiff's First Amendment  
18 Free Exercise and Fourteenth Amendment Equal Protection claims. (Doc. No. 167 at 2-4.)  
19 Additionally, the Ninth Circuit affirmed the court's dismissal of plaintiff's California Bane Act  
20 claim against defendant Escamilla but remanded to give plaintiff the opportunity to amend and to  
21 allege compliance with the Government Claims Act. (*Id.* at 5-6.)

22 Accordingly,

- 23 1. the court grants plaintiff leave to amend his Bane Act claim against defendant  
24 Escamilla to allege compliance with the Government Claims Act; and  
25 2. plaintiff may file a second amended complaint by July 13, 2018.<sup>1</sup>

26 <sup>1</sup> Plaintiff is advised that an amended complaint supersedes the original complaint, *see Lacey v.*  
27 *Maricopa County*, 693 F.3d. 896, 907 n.1 (9th Cir. 2012) (en banc), and must be complete in  
28 itself without reference to the prior or superseded pleading, Local Rule 220. Therefore, in an  
amended complaint, as in an original complaint, each claim and the involvement of each

1  
2 IT IS SO ORDERED.

3 Dated: June 19, 2018

4 /s/ *Jeremy D. Peterson*  
5 UNITED STATES MAGISTRATE JUDGE  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

27 defendant must be sufficiently alleged. The amended complaint should be signed; should be  
28 titled "Second Amended Complaint" in clear, bold type; and should refer to the appropriate case  
number.