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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL G. VALENCIA,
Plaintiff,
v.
WINFRED KOKOR,
Defendant.

Case No. 1:13-cv-01391 DLB PC
ORDER GRANTING PLAINTIFF’S
MOTION TO AMEND AS MOOT
(Document 8)

Plaintiff Daniel G. Valencia (“Plaintiff”) is a California state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on August 30, 2013. The complaint is currently awaiting screening.

On January 2, 2014, Plaintiff filed a Motion to File an Amended Complaint. Plaintiff states that he wants to add facts relating to medical care obtained after the filing of his original complaint. The Court construes this as a request to file a supplemental pleading.

Pursuant to Rule 15(d), “the court may, on just terms, permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.” Fed. R. Civ. P. 15(d). Rule 15(d) does not require the moving party to satisfy a transactional test, but there must still be a relationship between the claim in the original pleading and the claims sought to be added. Keith v. Volpe, 858 F.2d 467, 474 (9th Cir. 1988). Thus, “[w]hile leave to permit supplemental pleading is favored, it cannot be used to introduce a separate,

1 distinct and new cause of action.” Planned Parenthood of Southern Arizona v. Neely, 130 F.3d 400,
2 402 (9th Cir. 1997) (internal quotation marks and citation omitted).

3 Plaintiff’s complaint alleges that Defendant Kokor failed to properly treat his pain. The
4 proposed supplement includes identical allegations occurring for a complaint was filed. Where the
5 proposed additions are a continuation of the allegations in the original complaint, leave should be
6 granted to file a supplemental pleading.

7 Accordingly, Plaintiff’s motion is GRANTED. Plaintiff SHALLL file an amended
8 complaint within thirty (30) days of the date of service of this order.

9
10 IT IS SO ORDERED.

11 Dated: January 8, 2014

/s/ Dennis L. Beck
12 UNITED STATES MAGISTRATE JUDGE