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

COSME PRESAS,

Plaintiff,

v.

KERN MEDICAL CENTER, et al.,

Defendants.

Case No. 1:13-cv-02038-LJO-SKO (PC)

ORDER DENYING MOTION FOR LEAVE  
TO FILE SUPPLEMENTAL PLEADING,  
DISREGARDING PROPOSED  
SUPPLEMENTAL COMPLAINT, AND  
DIRECTING PLAINTIFF TO COMPLY  
WITH ORDER FILED APRIL 8, 2015

(Docs. 30 and 31)

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Plaintiff Cosme Presas, a prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 13, 2013. On April, 8, 2015, the Court issued an order (1) granting Plaintiff’s two motions for leave to file supplemental complaints, subject to filing a second amended complaint that is complete within itself, and (2) disregarding Plaintiff’s proposed supplemental complaint. Fed. R. Civ. P. 15(d). On April 17, 2015, Plaintiff filed a third motion for leave to file a supplemental pleading, accompanied by his second proposed supplemental complaint. *Id.*

Based on the date Plaintiff signed his motion – April 11, 2015 – it appears Plaintiff may have drafted and mailed his filings prior to receiving the Court’s order of April 8, 2015. Plaintiff is required to comply with that order if he wishes to either amend or supplement his first amended complaint.

1 This is Plaintiff's third motion for leave to file a supplemental complaint. It, therefore,  
2 bears emphasis that "[t]he purpose of Rule 15(d) is to promote as complete an adjudication of the  
3 dispute between the parties as possible by allowing the addition of claims which arise after the  
4 initial pleadings are filed." *William Inglis & Sons Baking Co. v. ITT Cont'l Baking Co., Inc.*, 668  
5 F.2d 1014, 1057 (9th Cir. 1981). Rule 15(d) is *not* intended to allow Plaintiff to repeatedly add  
6 *unnecessary or immaterial* facts to his complaint, even if they may be tangentially relevant; the  
7 purpose of supplementing is to add new claims based on new events or, in some instances, to cure  
8 deficiencies in the prior pleading based on new events. *William Inglis & Sons Baking Co.*, 668  
9 F.2d at 1057.

10 Based on the order filed on April 8, 2015, Plaintiff's motion for leave to file a  
11 supplemental pleading is HEREBY DENIED; Plaintiff's proposed supplemental complaint is  
12 DISREGARDED; and Plaintiff is directed to comply with the order filed on April 8, 2015.

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14 IT IS SO ORDERED.

15 Dated: April 27, 2015

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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