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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TONY LEE HILL,  
Plaintiff,  
vs.  
CDCR, et al.,  
Defendants.

1:14-cv-00002-GSA-PC  
ORDER DENYING PLAINTIFF'S  
REQUEST TO ADD SUPPLEMENTAL  
INFORMATION TO THE COMPLAINT  
(Doc. 6.)  
  
ORDER INFORMING PLAINTIFF HE  
IS PERMITTED TO FILE AMENDED  
COMPLAINT AS A MATTER OF  
COURSE  
  
ORDER FOR CLERK TO SEND  
COMPLAINT FORM TO PLAINTIFF  
  
THIRTY DAY DEADLINE TO FILE  
FIRST AMENDED COMPLAINT

**I. BACKGROUND**

Tony Lee Hill ("Plaintiff") is a state prisoner proceeding pro se with this civil rights action pursuant to 42 U.S.C. § 1983. On January 2, 2014, Plaintiff filed the Complaint commencing this action. (Doc. 1.) On January 8, 2014, Plaintiff filed a motion to supplement the Complaint by adding new allegations. (Doc. 6.)

**II. LOCAL RULE 220 AND FEDERAL RULE OF CIVIL PROCEDURE 15(a) - AMENDING THE COMPLAINT**

Local Rule 220 provides, in part:

Unless prior approval to the contrary is obtained from the Court, every pleading to which an amendment or supplement is permitted as a matter of right or has been allowed by court order shall be retyped and filed so that it is

1 complete in itself without reference to the prior or superseded pleading. No  
2 pleading shall be deemed amended or supplemented until this Rule has been  
3 complied with. All changed pleadings shall contain copies of all exhibits  
4 referred to in the changed pleading.

5 Plaintiff requests leave to amend the Complaint by submitting supplemental points and  
6 authorities to be added to the Complaint. Plaintiff may not amend the Complaint in this  
7 manner. Under Rule 220, Plaintiff may not amend the Complaint by adding information  
8 piecemeal after the Complaint has been filed. To add information or correct an error in the  
9 Complaint, Plaintiff must file a new First Amended Complaint which is complete within itself.  
10 As a general rule, an amended complaint supersedes the original complaint. See Loux v.  
11 Rhay, 375 F.2d 55, 57 (9th Cir. 1967). Once an amended complaint is filed, the original  
12 complaint no longer serves any function in the case. Therefore, in an amended complaint, as in  
13 an original complaint, each claim and the involvement of each defendant must be sufficiently  
14 alleged.

15 Under Rule 15(a) of the Federal Rule of Civil Procedure, a party may amend the party's  
16 pleading once as a matter of course at any time before a responsive pleading is served.  
17 Otherwise, a party may amend only by leave of the court or by written consent of the adverse  
18 party, and leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). Here,  
19 because Plaintiff has not previously amended the complaint and no responsive pleading has  
20 been served in this action, Plaintiff has leave to file an amended complaint as a matter of  
21 course. Plaintiff shall be required to file an amended complaint within thirty days, making the  
22 needed changes.

23 Plaintiff is informed he must demonstrate in his amended complaint how the conditions  
24 complained of have resulted in a deprivation of plaintiff's constitutional rights. See Ellis v.  
25 Cassidy, 625 F.2d 227 (9th Cir. 1980). The complaint must allege in specific terms how each  
26 named defendant is involved. There can be no liability under 42 U.S.C. § 1983 unless there is  
27 some affirmative link or connection between a defendant's actions and the claimed deprivation.  
28 Rizzo v. Goode, 423 U.S. 36 (1976); May v. Enomoto, 633 F.2d 164, 167 (9th Cir. 1980);  
Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978).

1 Plaintiff should note that although he has the opportunity to amend, it is not for the  
2 purpose of adding allegations of events occurring after January 2, 2014. Also, Plaintiff should  
3 take care to include only those claims that have been exhausted prior to the initiation of this suit  
4 on January 2, 2014. Further, Plaintiff may not change the nature of this suit by adding new,  
5 unrelated claims in his amended complaint. George v. Smith, 507 F.3d 605, 607 (7th Cir.  
6 2007) (no “buckshot” complaints).

7 Finally, as discussed above, Plaintiff is advised that Local Rule 15-220 requires that an  
8 amended complaint be complete in itself without reference to any prior pleading. As a general  
9 rule, an amended complaint supersedes the original complaint. See Loux v. Rhay, 375 F.2d  
10 55, 57 (9th Cir. 1967). Once an amended complaint is filed, the original complaint no longer  
11 serves any function in the case. Therefore, in an amended complaint, as in an original  
12 complaint, each claim and the involvement of each defendant must be sufficiently alleged. The  
13 First Amended Complaint should be clearly and boldly titled “FIRST AMENDED  
14 COMPLAINT,” refer to the appropriate case number, and be an original signed under penalty  
15 of perjury.

### 16 **III. CONCLUSION**

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Plaintiff's request to amend the Complaint by adding information piecemeal is  
19 DENIED;
- 20 2. Plaintiff is informed that he has leave to amend the Complaint once as a matter  
21 of course;
- 22 3. Within thirty (30) days from the date of service of this order, Plaintiff shall file a  
23 First Amended Complaint using the court's form;
- 24 4. The First Amended Complaint should be clearly and boldly titled “First  
25 Amended Complaint,” refer to case number 1:14-cv-00002-GSA-PC, and be an  
26 original signed under penalty of perjury;
- 27 5. The Clerk of the Court shall send one civil rights complaint form to Plaintiff;  
28 and

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6. Plaintiff is warned that the failure to comply with this order will result in the dismissal of this action for failure to obey a court order.

IT IS SO ORDERED.

Dated: January 10, 2014

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE