

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GUILLERMO C. TRUJILLO,
Plaintiff,
v.
RODRIGUEZ,
Defendant.

Case No. 1:14-cv-01371 DLB PC

**ORDER GRANTING PLAINTIFF'S
MOTION TO SUPPLEMENT COMPLAINT**

(Document 10)

Plaintiff Guillermo C. Trujillo (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff’s September 2, 2014, complaint is awaiting screening.¹

On December 24, 2014, Plaintiff filed a motion to file a “supplemental” complaint pursuant to Federal Rule of Civil Procedure 15(a).

Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served. Otherwise, a party may amend only by leave of the court or by written consent of the adverse party, and leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). In this case, a responsive pleading has not been served and Plaintiff has not previously amended his complaint. Therefore, Plaintiff may file an amended complaint without leave of the court.

¹ Plaintiff consented to the jurisdiction of the United States Magistrate on September 15, 2014.

1 In addition, Plaintiff is advised that Local Rule 220 requires that an amended complaint be
2 complete in itself without reference to any prior pleading. As a general rule, an amended complaint
3 supersedes the original complaint. See Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967). Once
4 Plaintiff files an amended complaint, the original pleading no longer serves any function in the case.
5 Therefore, in an amended complaint, as in an original complaint, each claim and the involvement of
6 each Defendant must be sufficiently alleged.

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8 IT IS SO ORDERED.
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10 Dated: December 29, 2014

11 /s/ Dennis L. Beck

12 UNITED STATES MAGISTRATE JUDGE

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