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

COSME PRESAS,

Plaintiff,

v.

WATCHTOWER BIBLE AND TRACT  
SOCIETY OF NEW YORK, et al.,

Defendants.

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CASE NO. 1:14-cv-01740-LJO-SKO

**ORDER STRIKING PLAINTIFF’S THIRD  
AMENDED COMPLAINT AND  
ALLOWING PLAINTIFF TO FILE A  
THIRD AMENDED COMPLAINT**

(Doc. 14)

On November 7, 2014, Plaintiff Cosme Presas (“Plaintiff”), a state prisoner proceeding pro se and *in forma pauperis*, filed this action against Defendants Watchtower Bible and Tract Society (“the Society”), Olivia Moreno, Wayne Frazee, and several Doe defendants (collectively “Defendants”). (Doc. 1.)

On February 26, 2015, Plaintiff filed a motion to amend the complaint and concurrently filed a Second Amended Complaint. (Docs. 14, 15.) This motion was granted, and the Court accepted Plaintiff’s Second Amended Complaint as filed. (Doc. 16.)

On March 3, 2015, Plaintiff filed a Third Amended Complaint without requesting leave to amend his complaint. (Doc. 19.) After the first amendment, Plaintiff may amend his pleading only with the opposing parties’ written consent or with the Court’s leave. Fed. R. Civ. P. 15(a).

1 Plaintiff's Third Amended Complaint was filed without permission from the Court, and it shall be  
2 stricken. Moreover, the Third Amended Complaint is not itself complete, but incorporates by  
3 references allegations from the Second Amended Complaint.

4 As it is clear that Plaintiff wishes to make changes to his Second Amended Complaint, the  
5 Court will permit Plaintiff one final opportunity to set forth his claims in an amended complaint.  
6 Plaintiff is reminded that an amended complaint supersedes any prior filed complaint. As such,  
7 the amended complaint must be complete itself and may not reference prior complaints which no  
8 longer serve any function in the case. This will be Plaintiff's final opportunity to amend to state a  
9 cognizable claim.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff's Third Amended Complaint is STRICKEN;
- 12 2. Within 30 days of service of this order, Plaintiff may file an Third Amended  
13 Complaint that sets forth *all* Plaintiff's allegations and claims against all defendants  
14 in one single document; and
- 15 3. If Plaintiff fails to file a Third Amended Complaint, the Court will recommend  
16 dismissal of this action with prejudice.

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18 IT IS SO ORDERED.

19 Dated: April 1, 2015

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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