

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GUILLERMO TRUJILLO,

Plaintiff,

v.

GOMEZ, et al.,

Defendants.

Case No. 1:14-cv-01797 DLB PC

ORDER GRANTING PLAINTIFF’S
MOTION TO FILE AMENDED
COMPLANT

(Document 5)

Plaintiff Guillermo Trujillo (“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 November 17, 2014. The complaint is awaiting screening.

On December 8, 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 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.

7
8 IT IS SO ORDERED.

9 Dated: December 19, 2014

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE