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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARTIN FARIAS,

 Plaintiff,

 v.

Y. HICKS, et al.,

 Defendants.

Case No. 1:14-cv-01950-SKO (PC)

ORDER DENYING MOTION FOR LEAVE
TO AMEND AS MOOT IN LIGHT OF
RIGHT TO AMEND ONCE AS MATTER OF
COURSE

(Doc. 7)

Plaintiff Martin Farias, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 8, 2014. On January 14, 2015, Plaintiff filed a motion seeking leave to file a supplemental complaint and an amended complaint. (Docs. 7, 8.)

A supplemental complaint would set forth facts relating to events which occurred after Plaintiff filed this action. Fed. R. Civ. P. 15(d). Plaintiff's amended complaint does not concern events which occurred after he filed this action and therefore, his request for leave to file a supplemental complaint is misplaced. Treating Plaintiff's motion as one for leave to amend, Plaintiff is entitled to amend once as a matter of course and his amended complaint was filed upon receipt. Fed. R. Civ. P. 15(a)(1)(B). Therefore, Plaintiff's motion to amend is moot and it shall be denied on that ground.

Although it is not entirely clear, Plaintiff's amended complaint may be a partial amendment intended to add facts to his original complaint. An amended pleading must be

1 complete within itself without reference to the prior pleading, however, and by virtue of filing an
2 amended complaint, Plaintiff's original complaint was superceded by the amended complaint.
3 Local Rule 220; *Lacey v. Maricopa County*, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc). If
4 Plaintiff intended the Court to consider both filings, he is placed on notice that it will not do so.
5 Plaintiff may either (1) withdraw his amended complaint or (2) file a second amended complaint
6 that sets forth all the facts and exhibits he seeks to have considered. If Plaintiff neither withdraws
7 his first amended complaint nor files a second amended complaint in response to this order, the
8 Court will screen the first amended complaint, filed on January 14, 2015, at such time as this case
9 comes before the Court for statutory screening. 28 U.S.C. § 1915A.

10 Based on the foregoing, Plaintiff's motion, construed as one seeking leave to file an
11 amended complaint, is HEREBY DENIED as moot in light of Plaintiff's right to amend once as a
12 matter of course.

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14 IT IS SO ORDERED.

15 Dated: April 8, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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