

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

PETER ANAYA,

Plaintiff,

V.

VAN VUGT, et al.,

Defendants.

No. 1:16-cv-01094-SKO (PC)

ORDER DENYING PLAINTIFF'S MOTIONS FOR LEAVE TO AMEND AS UNNECESSARY

(Docs. 9, 10)

Plaintiff, Peter Anaya, is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On February 6, 2017, Plaintiff filed two motions seeking leave to file an amended complaint.

Plaintiff may amend once as a matter of right before service of a responsive pleading by defendants. Fed. R. Civ. P. 15(a). Because plaintiff has not previously amended his complaint and defendants have not filed a responsive pleading, plaintiff may file an amended complaint without seeking permission from the Court.

Plaintiff is informed that he must file a new pleading as an amended complaint supercedes the original complaint, *Lacey v. Maricopa County*, Nos. 09-15806, 09-15703, 2012 WL 3711591, at *1 n.1 (9th Cir. Aug. 29, 2012) (en banc), and the amended complaint must be “complete in itself without reference to the prior or superceded pleading,” Local Rule 220.

Accordingly, Plaintiff's motions are **HEREBY DENIED** as unnecessary and the Clerk's Office shall send Plaintiff a civil rights complaint form.

IT IS SO ORDERED.

Dated: **March 28, 2017**

181 Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE