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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 JERRY LEE KING,

10 Plaintiff,

11 v.

12 R. VILLEGAS and P. CRUZ,

13 Defendants.  
14

Case No. 1:17-cv-00676-AWI-EPG (PC)

ORDER DENYING PLAINTIFF'S  
MOTION FOR LEAVE TO AMEND,  
WITHOUT PREJUDICE

(ECF NO. 72)

15 Jerry King ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* with  
16 this civil rights action filed pursuant to 42 U.S.C. § 1983.

17 On April 22, 2019, Plaintiff filed a motion for leave to amend his complaint. (ECF No.  
18 72). Plaintiff states that, through discovery, he now knows the names of additional defendants  
19 responsible for violating his constitutional rights. Registered Nurse Grant and Licensed  
20 Vocational Nurse E-Vitto violated Plaintiff's constitutional rights, because, after the excessive  
21 force incident, they refused to treat Plaintiff's injuries and tried to cover up the staff assault.  
22 Plaintiff asks the Court to order the United States Marshals Service to serve Grant and E-Vitto.  
23 Plaintiff also asks for service documents.

24 Plaintiff may not amend his complaint in this manner. If Plaintiff wants to amend his  
25 complaint, in addition to filing a motion for leave to amend, he needs to file a copy of the  
26 proposed amended complaint that is complete in itself. Local Rule 220 ("Unless prior approval  
27 to the contrary is obtained from the Court, every pleading to which an amendment or  
28 supplement is permitted as a matter of right or has been allowed by court order shall be retyped

1 and filed so that it is complete in itself without reference to the prior or superseded pleading.  
2 No pleading shall be deemed amended or supplemented until this Rule has been complied  
3 with.”).

4 Therefore, Plaintiff’s motion will be denied, without prejudice to Plaintiff refiling the  
5 motion with a signed copy of the proposed amended complaint, which is complete in itself,  
6 attached.

7 The Court notes that if Plaintiff’s motion for leave to amend is granted, Plaintiff’s  
8 amended complaint will need to be screened, the new defendants will need to be served, and  
9 the new defendants will be allowed to take discovery. Thus, there would be a significant delay  
10 in this case.

11 Accordingly, based on the foregoing, IT IS ORDERED that Plaintiff’s motion for leave  
12 to amend is denied, without prejudice to Plaintiff refiling the motion with a signed copy of the  
13 proposed amended complaint (that is complete in itself) attached.

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15 IT IS SO ORDERED.

16 Dated: May 6, 2019

17 /s/ Eric P. Grogan  
18 UNITED STATES MAGISTRATE JUDGE  
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