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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TIANTE DION SCOTT,
Plaintiff,
vs.
BEREGOVSKAY, et al.,
Defendants.

1:17-cv-01146-AWI-GSA-PC
ORDER DENYING MOTION TO ADD
EXHIBITS TO COMPLAINT AND STRIKING
EXHIBITS FROM THE RECORD
(ECF No. 12.)

I. BACKGROUND

Tiante Dion Scott (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. On June 19, 2017, Plaintiff filed the Complaint commencing this action at the United States District Court for the Northern District of California. (ECF No. 1.) On August 24, 2017, the case was transferred to this court. (ECF No. 6.)

On September 5, 2017, Plaintiff filed a motion to add exhibits to the Complaint. (ECF No. 12.) On September 6, 2017, the court issued an order dismissing the Complaint for violation of Rule 8(a) of the Federal Rules of Civil Procedure, with leave to file a First Amended Complaint within thirty days. (ECF No. 11.)

1 **II. LOCAL RULE 220 AND FEDERAL RULE OF CIVIL PROCEDURE 15(a) -**
2 **AMENDING THE COMPLAINT**

3 Local Rule 220 provides, in part:

4 Unless prior approval to the contrary is obtained from the Court, every
5 pleading to which an amendment or supplement is permitted as a matter of right
6 or has been allowed by court order shall be retyped and filed so that it is
7 complete in itself without reference to the prior or superseded pleading. No
8 pleading shall be deemed amended or supplemented until this Rule has been
9 complied with. All changed pleadings shall contain copies of all exhibits
10 referred to in the changed pleading.

11 Plaintiff has submitted exhibits to the court that he seeks to add to his original
12 Complaint filed on June 19, 2017. Plaintiff may not add supporting exhibits in this manner.
13 Under Rule 220, Plaintiff may not amend the Complaint by adding exhibits after the Complaint
14 has been filed. To add information or make a correction to the Complaint, Plaintiff must file an
15 amended complaint which is complete in itself. Moreover, Plaintiff's original Complaint was
16 dismissed, with leave to file a First Amended Complaint within thirty days. Therefore, to add
17 exhibits in support of his complaint, Plaintiff must include the exhibits with the First Amended
18 Complaint when he submits it to the court pursuant to the court's order of September 6, 2017.

19 However, Plaintiff is advised that although exhibits to the complaint are permissible,
20 Fed. R. Civ. P. 10(c), they are not necessary in the federal system of notice pleading, Fed. R.
21 Civ. P. 8(a). The court strongly suggests to Plaintiff that they should not be submitted where
22 (1) they serve only to confuse the record and burden the court, or (2) they are intended as future
23 evidence. If this action reaches a juncture at which the submission of evidence is appropriate
24 and necessary (e.g., summary judgment or trial), Plaintiff will have the opportunity at that time
25 to submit his evidence.

26 **III. CONCLUSION**

27 Based on the foregoing, it is **HEREBY ORDERED** that:

- 28 1. Plaintiff's motion to add exhibits to the Complaint is **DENIED**;

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