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

GEORGE SHELDON JERCICH,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION, *et*
al.,

Defendants.

Case No. 1:18-cv-00032-LJO-EPG (PC)

**ORDER GRANTING LEAVE TO FILE
THIRD AMENDED COMPLAINT**

(ECF No. 42)

JANUARY 4, 2019 DEADLINE

Plaintiff, George Sheldon Jercich, is proceeding *pro se* and *in forma pauperis* in this prisoner civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has filed an *ex parte* motion seeking leave to file a third amended complaint, amending his claims against Defendants Steven Yaplee and Triangle Eye Institute or, alternatively, for additional time to file an opposition to the motion to dismiss filed by Defendants Steven Yaplee and Triangle Eye Institute. (ECF No. 42.) Having reviewed the motion, and the record in this case, the Court finds good cause for and will grant Plaintiff leave to file an amended complaint.

Plaintiff is reminded that the amended complaint must state what each named defendant did that led to the deprivation of Plaintiff's constitutional or other federal rights. Fed. R. Civ. P. 8(a); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002). Plaintiff must also demonstrate that each defendant *personally* participated in the

1 deprivation of his rights. *Jones*, 297 F.3d at 934 (emphasis added). Plaintiff should note that
2 although he has been given the opportunity to amend, it is not for the purpose of changing the
3 nature of this suit or adding unrelated claims. *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007)
4 (no “buckshot” complaints).

5 Plaintiff is advised that an amended complaint supersedes the original complaint, *Lacey*
6 *v. Maricopa County*, 693 F.3d. 896, 907 n.1 (9th Cir. 2012) (en banc), and must be complete in
7 itself without reference to the prior or superseded pleading, Local Rule 220. Therefore, in an
8 amended complaint, as in an original complaint, each claim and the involvement of each
9 defendant must be sufficiently alleged. The amended complaint should be clearly and boldly
10 titled “Third Amended Complaint,” refer to the appropriate case number, and must be an original
11 signed under penalty of perjury.

12 IT IS ORDERED:

- 13 1. Plaintiff’s *ex parte* motion to file a third amended complaint (ECF No. 42) is
14 GRANTED.
- 15 2. Plaintiff shall file an amended complaint no later than **January 4, 2019**.
- 16 3. Plaintiff shall caption the amended complaint as the “Third Amended Complaint,”
17 and refer to the case number 1:18-cv-00032-LJO-EPG.

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19 IT IS SO ORDERED.

20 Dated: **November 29, 2018**

21 /s/ Eric P. Grogan
22 UNITED STATES MAGISTRATE JUDGE
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