

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

STEVE RUBY,	)	Case No.: 1:18-cv-00200-SAB (PC)
	)	
Plaintiff,	)	
	)	
v.	)	ORDER REGARDING PLAINTIFF’S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT, AND GRANTING PLAINTIFF LEAVE TO FILE AN AMENDED COMPLAINT
WARDEN A. MATEVOVSIAN,	)	
	)	
Defendant.	)	[ECF No. 9]
	)	
	)	

Plaintiff Steve Ruby is proceeding pro se and in forma pauperis in this action. Plaintiff filed the instant action on February 8, 2018.

On May 18, 2018, the Court screened Plaintiff’s complaint and found it failed to state any cognizable claims for relief under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971). (ECF No. 8.) Plaintiff was granted thirty days to file an amended complaint to cure the deficiencies. (Id.)

On June 14, 2018, Plaintiff filed a motion for “leave to file an amended complaint by order of United States Magistrate Judge on May 17, 2018.” (ECF No. 9.) In his motion, Plaintiff indicates that he is intending to bring a claim under the Federal Tort Claims Act (FTCA) for negligence against the United States and asks the Court to amend and supplement the prior complaint. However, Plaintiff is advised that he cannot amend the complaint by piecemeal. As stated in the Court’s May 17, 2018, order, “an amended complaint supersedes the original complaint. Therefore, Plaintiff’s amended

1 complaint must be ‘complete in itself without reference to the prior or superseded pleadings.’ (ECF  
2 No. 8, Order at 7:11-13) (citations omitted). If Plaintiff desires to bring only a claim under the FTCA  
3 against the United States, he must file an amended complaint which is complete within itself clearly  
4 setting forth his claim(s) for relief.

5 Accordingly, it is HEREBY ORDERED that:

6 1. Within thirty (30) days from the date of service of this order, Plaintiff shall file an  
7 amended complaint which is complete within itself; and

8 2. Failure to comply with this order will result in a recommendation that this action be  
9 dismissed for failure to comply with a court order.

10  
11 IT IS SO ORDERED.

12 Dated: June 15, 2018



13 UNITED STATES MAGISTRATE JUDGE