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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 ISAIAH J. PETILLO,

12 Plaintiff,

13 vs.

14 GALLIGER, et al.,

15 Defendants.  
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1:18-cv-00217-LJO-GSA-PC

**ORDER DENYING PLAINTIFF'S  
REQUEST TO ADD EXHIBITS TO  
FIRST AMENDED COMPLAINT  
(ECF No. 17.)**

**ORDER GRANTING PLAINTIFF  
LEAVE TO FILE A SECOND AMENDED  
COMPLAINT WITH EXHIBITS  
ATTACHED, AS INSTRUCTED BY THIS  
ORDER**

**THIRTY DAY DEADLINE**

21 **I. BACKGROUND**

22 Isaiah J. Petillo ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*  
23 with this civil rights action pursuant to 42 U.S.C. § 1983. On February 12, 2018, Plaintiff filed  
24 the Complaint commencing this action. (ECF No. 1.) The court screened the Complaint and  
25 issued an order on October 31, 2018, dismissing the Complaint for violation of Rule 18, with  
26 leave to amend. (ECF No. 16.) On November 19, 2018, Plaintiff filed the First Amended  
27 Complaint concurrently with a request to add exhibits to the First Amended Complaint that  
28 were previously submitted with the original Complaint. (ECF Nos. 17, 18.)

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7 complete in itself without reference to the prior or superseded pleading.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 submitted exhibits to the court with his original Complaint filed on February  
12 12, 2018. (ECF No. 1.) Now Plaintiff has requested the court to consider the exhibits as part  
13 of the First Amended Complaint. Plaintiff may not add supporting exhibits in this manner.  
14 Under Rule 220, Plaintiff may not amend the First Amended Complaint by adding exhibits  
15 submitted separately from the First Amended Complaint. To add information or make a  
16 correction to the First Amended Complaint, Plaintiff must file an amended complaint which is  
17 complete in itself, without reference to prior complaints. To add his exhibits, Plaintiff must file  
18 a Second Amended Complaint, complete in itself, with the exhibits attached.

19 “Rule 15(a) is very liberal and leave to amend ‘shall be freely given when justice so  
20 requires.’” AmerisourceBergen Corp. v. Dialysis West, Inc., 445 F.3d 1132, 1136 (9th Cir.  
21 2006) (quoting Fed. R. Civ. P. 15(a)). In the interest of justice, the court shall allow Plaintiff to  
22 file a Second Amended Complaint with his exhibits attached, even if the twenty-five page limit  
23 is exceeded. The Second Amended Complaint is limited to twenty-five pages, not including  
24 the exhibits. Plaintiff is granted thirty days in which to file a Second Amended Complaint with  
25 the exhibits attached. The Second Amended Complaint does not need to be identical to the  
26 First Amended Complaint, but it should be materially the same. Plaintiff is not granted leave to  
27 change the nature of the complaint, add defendants for unrelated claims, or add allegations of  
28 events occurring after this case was filed on February 12, 2018. If Plaintiff chooses to amend  
the complaint, he shall clearly title the amended complaint “Second Amended Complaint” and  
refer to case number 18-cv-00217-LJO-GSA-PC.

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1 **III. CONCLUSION**

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

- 3 1. Plaintiff's motion filed on November 19, 2018, requesting the court to add  
4 previously-submitted exhibits to the First Amended Complaint is DENIED;
- 5 2. If Plaintiff wishes to include his exhibits, he must file a Second Amended  
6 Complaint with the exhibits attached;
- 7 3. Plaintiff is granted leave to file a Second Amended Complaint within thirty days  
8 of the date of service of this order, with his two exhibits attached, as instructed  
9 by this order;
- 10 4. The Second Amended Complaint is limited to twenty-five pages, not including  
11 the exhibits; and
- 12 5. If Plaintiff does not file a Second Amended Complaint within the thirty-day  
13 deadline, this case shall proceed with First Amended Complaint filed on  
14 November 19, 2018, without exhibits.

15 IT IS SO ORDERED.

16 Dated: November 27, 2018

17 /s/ Gary S. Austin  
18 UNITED STATES MAGISTRATE JUDGE