

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH M. CREAR.

**Petitioner,**

V.

## WILLIAM BARR.

## Respondent.

No. 1:20-cv-01811-AWI-SKO (HC)

## **ORDER DENYING PETITIONER'S MOTION TO SUPPLEMENT PETITION**

[Doc. 12]

Petitioner is a federal prisoner proceeding *pro se* and *in forma pauperis* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On December 14, 2020, Petitioner filed the instant petition. (Doc. 1.) The Court conducted a preliminary review of the petition and issued Findings and Recommendations to dismiss the petition for failure to exhaust on January 5, 2021. (Doc. 11.)

On January 4, 2021, Petitioner filed a motion to supplement the petition with additional argument in support of his claim. (Doc. 11.) Petitioner is advised that the petition must be complete in and of itself. See Rule 2(c), Fed. Rules Governing Section 2254 cases. Petitioner may file an amended petition pursuant to Rule 15(a) of the Fed. Rules of Civil Procedure, but the petition must stand alone and may not rely on other pleadings. Local Rule 15-220 requires that an amended petition be complete in itself without reference to any prior pleading. This is because,

1 as a general rule, an amended petition supersedes the original petition. See Loux v. Ray, 375  
2 F.2d 55, 57 (9th Cir. 1967).

3 Pursuant to Rule 15(d) of the Fed. Rules of Civil Procedure, supplemental pleadings are  
4 permitted to the extent a party seeks to “set[] out any transaction, occurrence, or event that  
5 happened after the date of the pleading to be supplemented.” Since Petitioner merely seeks to add  
6 further argument to his claim, supplementation will not be permitted. In any case, as fully  
7 discussed in the Findings and Recommendations, it is clear from Petitioner’s argument and  
8 exhibits that he has failed to exhaust his administrative remedies.

9 Accordingly, Petitioner’s motion to supplement his petition is DENIED.

10 IT IS SO ORDERED.  
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12 Dated: January 6, 2021

13 /s/ *Sheila K. Oberlo*  
14 UNITED STATES MAGISTRATE JUDGE  
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