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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 KEITH M. CREAR,  
12 Petitioner,  
13 v.  
14 WILLIAM BARR,  
15 Respondent.  
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No. 1:20-cv-01811-AWI-SKO (HC)

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

**[Doc. 12]**

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

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

23 On January 4, 2021, Petitioner filed a motion to supplement the petition with additional  
24 argument in support of his claim. (Doc. 11.) Petitioner is advised that the petition must be  
25 complete in and of itself. See Rule 2(c), Fed. Rules Governing Section 2254 cases. Petitioner  
26 may file an amended petition pursuant to Rule 15(a) of the Fed. Rules of Civil Procedure, but the  
27 petition must stand alone and may not rely on other pleadings. Local Rule 15-220 requires that an  
28 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**

/s/ *Sheila K. Oberto*  
13 UNITED STATES MAGISTRATE JUDGE  
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