

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

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

LEE WILSON,

No. CIV S-09-2191-LKK-CMK-P

Plaintiff,

vs.

ORDER

SANDRA LEE WEVER, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. On September 24, 2010, the court granted plaintiff leave to file an amended complaint within 45 days. In response to that order, plaintiff has filed two documents (Docs. 38 and 40) which appear to set forth allegations as to a new defendant to be added to the action. Plaintiff is advised that these filings do not accomplish amendment to the complaint. As a general rule, an amended complaint supersedes the original complaint. See Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992). Thus, following dismissal with leave to amend, all claims alleged in the original complaint which are not alleged in the amended complaint are waived. See King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987). Therefore, if plaintiff amends the complaint, the court cannot refer to the prior pleading in order to make plaintiff's amended

1 complaint complete. See Local Rule 15-220. An amended complaint must be complete in itself  
2 without reference to any prior pleading. See id.

3 Plaintiff will be provided an additional opportunity to file an amended complaint  
4 consistent with the court's September 24, 2010, order. Plaintiff is cautioned that failure to file a  
5 complete amended complaint may result in dismissal of the action. See Local Rule 110.

6 Accordingly, IT IS HEREBY ORDERED that plaintiff shall file a complete  
7 amended complaint, in which all claims and defendants are listed in a single document, within 30  
8 days of the date of this order.

9  
10 DATED: November 18, 2010

11   
12 **CRAIG M. KELLISON**  
13 UNITED STATES MAGISTRATE JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26