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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES G. REECE,

 Plaintiff,

 v.

D.K. SISTO, et al.,

 Defendants.

No. 2:10-cv-0203-JAM-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. His original complaint alleged that defendants Sisto and Mimis violated plaintiff’s rights under the Eighth and Fourteenth Amendments by failing to provide him with adequate heat and warmth. ECF No. 6. The court granted defendants’ motion to dismiss the Eighth Amendment claim and informed plaintiff he could either proceed solely on the Fourteenth Amendment claim or file an amended complaint curing the defects in the Eighth Amendment claim. ECF No. 49. Plaintiff responded by filing an amended complaint alleging only an Eighth Amendment claim. ECF No. 50. He appears to believe that he need not re-allege the Fourteenth Amendment claim because, as he explains it, the defendants “lost their objection” thereto and the court has the relevant “documents in its possession.” ECF No. 50 at 33. Plaintiff is mistaken.

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1 An amended complaint supersedes any earlier filed complaint, and once an amended
2 complaint is filed, the earlier filed complaint no longer serves any function in the case. *See*
3 *Forsyth v. Humana*, 114 F.3d 1467, 1474 (9th Cir. 1997) (the ““amended complaint supersedes
4 the original, the latter being treated thereafter as non-existent.””) (quoting *Loux v. Rhay*, 375 F.2d
5 55, 57 (9th Cir. 1967)). Therefore, when a plaintiff is allowed to amend his complaint, he must
6 write or type the amended complaint so that it is complete in itself without reference to any earlier
7 filed complaint. E.D. Cal. L.R. 220. That is, plaintiff must file a single amended complaint that
8 includes all information relevant to his claim(s).

9 If plaintiff wishes to pursue both an Eighth Amendment and a Fourteenth Amendment
10 claim, he must file a second amended complaint within 30 days of the date of this order. If
11 plaintiff does not file a second amended complaint within 30 days, the court will issue a screening
12 order pursuant to 28 U.S.C. § 1915A in response to the first amended complaint.

13 So ordered.

14 DATED: April 28, 2015.

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16 EDMUND F. BRENNAN
17 UNITED STATES MAGISTRATE JUDGE
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