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

CHICO ROMERO WATTS,

Petitioner,

No. CIV S-10-0277 WBS GGH P

vs.

D. ADAMS, et al.,

ORDER

Respondents.

_____ /

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 5, 2010, petitioner’s petition was stayed pursuant to King/Kelly, for petitioner to exhaust several additional claims in state court.¹ On July 8, 2010, petitioner filed a motion for “Guidance concerning procedures on how to file his claims.” Doc. 22.

The undersigned will instruct petitioner similar to what was stated in the April 6, 2010, findings and recommendations. Once petitioner’s claims are properly exhausted, he must *immediately* file a new amended petition in this court containing *all* of his exhausted claims.

Pursuant to the Local Rules, “every pleading to which an amendment or supplement is permitted as a matter of right or has been allowed by Court order shall be retyped

¹ It appeared that a few claims were properly exhausted in the original filing.

1 and filed so that it is complete in itself without reference to the prior or superseded pleading.”
2 L.R. 220. This is because, as a general rule, an amended complaint supersedes an earlier
3 complaint. See Loux v. Rhay, 375 F.2d 55, 57 (9th Cir.1967).

4 Accordingly, IT IS HEREBY ORDERED that petitioner’s July 8, 2010 motion
5 (Doc. 22) be vacated.

6 DATED: July 20, 2010

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8 /s/ Gregory G. Hollows

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UNITED STATES MAGISTRATE JUDGE

GGH: AB
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