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

DARRELL JOHNSON,

Plaintiff,

No. CIV S-10-0699 GGH P

vs.

WARDEN MARTEL, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis. He seeks relief pursuant to 42 U.S.C. § 1983.

On July 13, 2010, the court issued a screening order where plaintiff's amended complaint was dismissed with leave to file a second amended complaint within twenty-eight days. The court outlined the deficiencies in plaintiff's amended complaint and set forth what would be required in a second amended complaint. On July 29, 2010, plaintiff filed a response to the court's July 13, 2010, screening order. To the extent this response could be construed as a second amended complaint, it is entirely insufficient. Plaintiff must still file a second amended complaint as described in the court's July 13, 2010 screening order.

Plaintiff is reminded that the court cannot refer to a prior pleading in order to make plaintiff's amended complaint complete. Local Rule 220 requires that an amended

1 complaint be complete in itself without reference to any prior pleading. This is because, as a
2 general rule, an amended complaint supersedes the original complaint. See Loux v. Rhay, 375
3 F.2d 55, 57 (9th Cir. 1967). Once plaintiff files an amended complaint, the original pleading no
4 longer serves any function in the case. Therefore, in an amended complaint, as in an original
5 complaint, each claim and the involvement of each defendant must be sufficiently alleged.

6 In accordance with the above, IT IS HEREBY ORDERED that plaintiff must file
7 a second amended complaint within twenty-eight days from the date of service of this order.
8 Failure to file a second amended complaint will result in this action being dismissed..

9 DATED: August 23, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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