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

TYSON JOIEL SUGGS,

Plaintiff,

No. CIV S-10-0799 GGH P

vs.

JOHN MARSHALL, 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 May 12, 2010, the court issued a screening order where plaintiff's complaint was dismissed with leave to file an amended complaint within twenty-eight days. The court outlined the deficiencies in plaintiff's complaint and set forth what would be required in an amended complaint. On July 13, 2010, plaintiff filed a response to the court's May 12, 2010, screening order. To the extent this response could be construed as an amended complaint, it is entirely insufficient. Plaintiff must still file an amended complaint as described in the court's May 12, 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 an amended complaint within twenty-eight days from the date of service of this order. Failure to  
8 file an amended complaint will result in a recommendation that the action be dismissed.

9 DATED: August 3, 2010

10  
11 /s/ Gregory G. Hollows  
United States Magistrate Judge

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