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

DENNIS G. CLAIBORNE,

Plaintiff,

No. CIV S-10-2427 LKK EFB P

vs.

BLAUSER, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On October 3, 2011, plaintiff requested leave to add defendants to this action. Dckt. No. 30. The court construes plaintiff’s request as a motion to amend his complaint.

Plaintiff is hereby informed that he may amend his complaint “once as a matter of course,” within 21 days after serving it, 21 days after service of a responsive pleading, or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. Fed. R. Civ. P. 15(a). Here, plaintiff’s original complaint has not yet been served, and he is therefore free to amend his complaint once, without leave of court. However, any amended complaint must be complete in itself, without reference to the original complaint. E.D. Cal. Local Rule 220; *see Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967). Once plaintiff files an amended complaint, the original pleading is superseded.

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff's October 3, 2011 request to
2 name additional defendants, construed as a motion to amend his complaint, is denied as
3 unnecessary.

4 Dated: October 19, 2011.


5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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