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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

IRA DON PARTHMORE,
Plaintiff,
v.
B. KISSEL, et al.,
Defendant.

No. 2:13-cv-0819 AC P

ORDER

Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). Accordingly, the request to proceed in forma pauperis will be granted.

Plaintiff has also filed a motion for authorization to file a supplemental pleading. ECF No. 11. The supplemental pleading submitted by plaintiff reveals the inclusion of additional defendants and facts. Plaintiff is informed 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 complaint be complete in itself without reference to any prior pleading. This is because, as a general rule, an amended complaint supersedes the original complaint. See Loux v. Rhay, 375

1 F.2d 55, 57 (9th Cir. 1967). In light of this authority, the court construes plaintiff's motion for
2 authorization to file a supplemental pleading as a motion to amend his complaint. Good cause
3 appearing, this request will be granted.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's motion to proceed in forma pauperis granted;
- 6 2. Plaintiff's May 15, 2013 motion for authorization is granted; and
- 7 3. Plaintiff shall file an amended complaint within thirty days from the date of this order.

8 Plaintiff's amended complaint shall comply with the requirements of the Civil Rights
9 Act, the Federal Rules of Civil Procedure, and the Local Rules of Practice; the
10 amended complaint must bear the docket number assigned this case and must be
11 labeled "Amended Complaint"; failure to file an amended complaint in accordance
12 with this order may result in the dismissal of this action.

13 DATED: May 29, 2013



14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE

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