

1 been served.

2 An amended complaint supersedes the original complaint. See Loux v. Rhay, 375 F.2d
3 55, 57 (9th Cir. 1967). Once an amended pleading is filed, the original pleading no longer serves
4 any function in the case. Id.; see also L.R. 220 (every pleading to which an amendment is
5 permitted as a matter of right shall be retyped and filed so that it is complete in itself without
6 reference to the prior pleading.). Although the allegations of this pro se complaint are held to
7 “less stringent standards than formal pleadings drafted by lawyers,” Haines v. Kerner, 404 U.S.
8 519, 520 (1972) (per curiam), plaintiff is required to comply with the Federal Rules of Civil
9 Procedure and the Local Rules of the Eastern District of California.

10 The amended complaint has now been screened. On the present record, plaintiff has
11 stated a colorable claim for relief against defendants Hornbrook Community Services District,
12 Hanson, Brown, Barnes, Winston, Bowles, Dingman, and Goff.¹

13 Good cause appearing, IT IS ORDERED that:

14 1. The order to show cause, filed October 9, 2014, (ECF No. 8), is discharged.

15 2. Plaintiff’s motion to amend, filed October 30, 2014, (ECF No. 9), is denied as
16 unnecessary.

17 3. Service is appropriate for the following defendants: Hornbrook Community Services
18 District, Hanson, Brown, Barnes, Winston, Bowles, Dingman, and Goff.

19 4. The Clerk of the Court is directed to issue forthwith, and the U.S. Marshal is directed
20 to serve within ninety days of the date of this order, all process pursuant to Fed. R. Civ. P. 4,
21 including a copy of this court’s status order, without prepayment of costs.

22 5. The Clerk of the Court shall send plaintiff one USM-285 form for each defendant, one
23 summons, a copy of the amended complaint, an appropriate form for consent to trial by a
24 magistrate judge, and this court’s status order.

25 ¹ The amended complaint asserts that a state court action was filed on June 2, 2014, but that this
26 action seeks “different and additional relief, and of additional defendants,” than the superior court
27 case. (ECF No. 10 at 8.) The court has considered the possibility that abstention may prevent
28 this action from proceeding; however, it does not have enough facts on the limited record before
it to make this determination at the present time. Therefore, the case may proceed without
prejudice to such an argument being raised in a properly noticed motion.

