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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 LEROY CARR,

12 Plaintiff,

13 v.

14 FEDERAL BUREAU OF PRISONS, et al.,

15 Defendants.
16
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No. 2:14-cv-2110 JAM CKD P

ORDER

18 Plaintiff is a federal prisoner proceeding pro se with this civil rights action pursuant to 42
19 U.S.C. § 1983. Plaintiff has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. §
20 1915. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. §
21 636(b)(1).

22 Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. §
23 1915(a). Accordingly, the request to proceed in forma pauperis will be granted.

24 Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§
25 1914(a), 1915(b)(1). By separate order, the court will direct the appropriate agency to collect the
26 initial partial filing fee from plaintiff's trust account and forward it to the Clerk of the Court.
27 Thereafter, plaintiff will be obligated for monthly payments of twenty percent of the preceding
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1 month's income credited to plaintiff's prison trust account. These payments will be forwarded by
2 the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account
3 exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

4 Motion to Supplement

5 Plaintiff commenced this action on September 11, 2014. Recently he requested leave to
6 file a supplement to the complaint under Rule 15 of the Federal Rules of Civil Procedure. He
7 seeks to add another claim against defendant Olson based on allegations in the original complaint.
8 (ECF No. 7.)

9 Supplemental pleadings, governed by Rule 15(d), allow a party to set out transactions or
10 events "that happened after the date of the pleading to be supplemented." As this is not
11 plaintiff's intention, Rule 15(d) does not apply.

12 However, plaintiff may file an amended complaint under Rule 15(a). Assuming plaintiff
13 retains a copy of the original complaint, this should not be unduly burdensome: Plaintiff need
14 only add whatever allegations or claims he wishes and re-file his original complaint with any
15 added changes.

16 Local Rule 220 requires that an amended complaint be complete in itself without
17 reference to any prior pleading. This is because, as a general rule, an amended complaint
18 supersedes the original complaint. See Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967). Once
19 plaintiff files an amended complaint, the original pleading no longer serves any function in the
20 case. Therefore, in an amended complaint, as in an original complaint, each claim and the
21 involvement of each defendant must be sufficiently alleged.

22 Motion for "Legal Mail"

23 Plaintiff has filed a motion asking that all documents sent by the court be marked "legal
24 mail." (ECF No. 4.) While it is not the court's practice to mark outgoing documents "legal
25 mail," plaintiff is informed that all outgoing mail bears the court's return address. No further
26 relief is available in this regard.

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1 Accordingly, IT IS HEREBY ORDERED that:

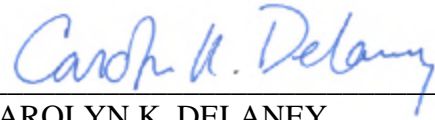
2 1. Plaintiff's request for leave to proceed in forma pauperis (ECF No. 2) is granted.

3 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. All fees
4 shall be collected and paid in accordance with this court's order to the Warden, MCFP
5 Springfield, Federal Medical Center, filed concurrently herewith.

6 3. Plaintiff's motion for legal correspondence to be marked legal mail (ECF No. 4) is
7 denied.

8 4. Plaintiff's motion for leave to file supplement (ECF No. 7) is granted as follows:
9 Within thirty days from the date of this order, plaintiff shall file an amended complaint or, in the
10 alternative, notify the court that he wishes to proceed on the original complaint.

11 Dated: December 19, 2014



12 CAROLYN K. DELANEY
13 UNITED STATES MAGISTRATE JUDGE
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