UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID PERRYMAN,	No. 2:15-cv-0018 DAD P
Plaintiff,	
v.	ORDER
DUFFY, Warden,	
Defendants.	

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. On January 5, 2015, concurrently with the filing of his complaint, plaintiff filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF No. 2.) Upon review, the court determined that the application was incomplete. Accordingly, on January 15, 2015, the court filed an order granting plaintiff 30 days in which to submit (i) a completed affidavit in support of his application to proceed in forma pauperis and (ii) a certified copy of his prison trust account statement for the six month period immediately preceding the filing of his complaint. (ECF No. 8.) That same day, plaintiff filed another application to proceed in forma pauperis, which, as with his previous application, omitted both the required affidavit as well as a certified copy of his prison trust account statement. (ECF No. 9.) Accordingly, the court will deny the application filed on January 15, 2015, and grant plaintiff an additional 30 days to submit a properly completed application.

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1   On January 21, 2015, plaintiff filed a document with the court entitled "Corrections to

2   Complaint," in which he sets forth five pages of modifications to his original complaint. (ECF

3   No. 10.) Plaintiff is informed that the court cannot refer to a prior pleading in order to make

4   plaintiff's complaint complete. Local Rule 220 requires that a complaint be complete in itself

5   without reference to any prior pleading. This is because, as a general rule, an amended complaint

6   supersedes the original complaint. See Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967).

7   Accordingly, plaintiff will be granted leave to file a first amended complaint reflecting any

8   corrections that he believes must be made to the allegations of his initial complaint in this action.

9   Plaintiff is advised that if he elects to file a first amended complaint, Local Rule 220 requires that

10   an amended complaint be complete in itself without reference to any prior pleading. Therefore, in

11   any first amended complaint, as in plaintiff's original complaints, each claim and the involvement

12   of each defendant must be sufficiently alleged.

13   In accordance with the above, IT IS HEREBY ORDERED that:

14   1. Plaintiff's application to proceed in forma pauperis (ECF No. 9) is denied without

15   prejudice.

16   2. Plaintiff is granted thirty days from the date of service of this order to file a completed

17   affidavit in support of his request to proceed in forma pauperis on the form provided by the Clerk

18   of Court, and a certified copy of his prison trust account statement for the six month period

19   immediately preceding the filing of the complaint. Plaintiff's failure to comply with this order

20   will result in a recommendation that this action be dismissed without prejudice.

21   3. Plaintiff is granted thirty days from the date of service of this order to file a first

22   amended complaint that is complete in and of itself. The first amended complaint must be

23   prepared on the form provided with this order, must bear the docket number assigned this case,

24   and must be labeled "First Amended Complaint." If plaintiff does not timely file a first amended

25   complaint, the court will proceed to screen his original complaint without considering the later-

26   filed document entitled "Corrections to Complaint."

27   4. The Clerk of the Court is directed to send plaintiff (a) a new Application to Proceed In

28   Forma Pauperis By a Prisoner, (b) the court's form civil rights complaint and accompanying

instructions, and (c) copies of the complaint (ECF No. 1) and the document entitled "Corrections to Complaint" (ECF No. 10) for his reference.

Dated: January 26, 2015

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE