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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DERRICK OWENS,  
Plaintiff,  
v.  
JACKIE CLARK, et al.,  
Defendants.

No. 2:15-cv-0982 TLN KJN P

ORDER

Plaintiff is a state prisoner, currently incarcerated at California Medical Facility in Stockton, California. Plaintiff proceeds without counsel in this civil rights action filed pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302, pursuant to 28 U.S.C. § 636(b)(1).

By order filed August 3, 2015, plaintiff was granted thirty days to file an amended complaint. (ECF No. 13.)

Rather than comply with the court’s order, plaintiff instead filed an amended complaint on August 26, 2015 (ECF No. 17), a proposed second amended complaint on September 8, 2015 (ECF No. 19), and a supplement to the proposed second amended complaint on September 11, 2015 (ECF No. 21).

As plaintiff was previously advised, in the court’s August 3, 2015 order, the court cannot refer to a prior pleading in order to make an amended complaint complete. Local Rule 220

1 requires that an amended complaint be complete in itself without reference to any prior pleading.  
2 This requirement exists because, as a general rule, an amended complaint supersedes all prior  
3 versions of the complaint. See Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967). Once plaintiff  
4 files an amended complaint, prior versions of the complaint no longer serve any function in the  
5 case. Therefore, in an amended complaint, each claim and the involvement of each defendant  
6 must be sufficiently alleged. Later-filed supplements and corrections may not be considered part  
7 of a complaint.

8 Plaintiff shall be given a final opportunity to file **a single** amended complaint that contains  
9 the allegations and exhibits necessary to properly set forth plaintiff's claims herein. The amended  
10 complaint shall be titled "First Amended Complaint." If, at any time before the court completes  
11 its screening of the First Amended Complaint, plaintiff files a motion to amend the First  
12 Amended Complaint and/or files any supplements or corrections to the First Amended Complaint,  
13 the court will recommend dismissal of this action pursuant to Federal Rule of Civil Procedure  
14 41(b) for failure to comply with an order of the court.

15 Plaintiff is again advised, as he was in the court's August 3, 2015 order, that "[j]udges in  
16 the Eastern District of California carry the heaviest caseloads in the nation, and this Court is  
17 unable to devote inordinate time and resources to individual cases and matters." Cortez v. City of  
18 Porterville, 5 F. Supp. 3d 1160, 1162 (E.D. Cal. 2014). Therefore, plaintiff should file a  
19 complaint that contains **only** the allegations and exhibits necessary to properly set forth his  
20 claims; filing an excessively-long complaint will delay the court's handling of his case. Citation  
21 to legal authority is unnecessary and superfluous, and again, will only further delay the court's  
22 handling of plaintiff's case.

23 Accordingly, IT IS HEREBY ORDERED that:

24 1. Plaintiff is granted leave to file an amended complaint. Within thirty days from the  
25 date of this order, plaintiff shall complete the attached Notice of Amendment and submit the  
26 following documents to the court:

- 27 a. The completed Notice of Amendment; and
- 28 b. An original and one copy of the amended complaint.


1 Plaintiff's amended complaint shall comply with the requirements of the Civil Rights Act, the  
2 Federal Rules of Civil Procedure, and the Local Rules of Practice. The amended complaint must  
3 also bear the docket number assigned to this case and must be labeled "First Amended  
4 Complaint." Failure to file an amended complaint in accordance with this order may result in the  
5 dismissal of this action. Filing of (i) a motion to further amend the amended complaint and/or  
6 (ii) any supplements or corrections to the amended complaint prior to the court's screening of the  
7 amended complaint shall result in a recommendation that this action be dismissed due to  
8 plaintiff's failure to comply with court orders.

9           2. The Clerk of the Court is directed to send plaintiff the forms necessary to file a  
10 prisoner civil rights complaint.

11 Dated: September 28, 2015

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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NOTICE OF AMENDMENT

Plaintiff hereby submits the following document in compliance with the court's order  
filed \_\_\_\_\_.

\_\_\_\_\_ First Amended Complaint

DATED:

\_\_\_\_\_  
Plaintiff