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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND LEE GOINS,
Plaintiff,
v.
A. DIMACULANGAN, et al.,
Defendants.

No. 2:18-cv-0034 TLN CKD P

ORDER

Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. On March 9, 2020, the district court judge assigned to this case dismissed plaintiff's remaining Eighth Amendment claim against defendant Le with leave to amend. This action is currently proceeding on plaintiff's amended complaint (ECF No. 10). If plaintiff wishes to file a second amended complaint in an attempt to cure the deficiencies with respect to his Eighth Amendment claim against defendant Le, he must do so within 21 days. If plaintiff submits a second amended complaint, the court will screen it pursuant to 28 U.S.C. § 1915A(a).

Plaintiff is informed that if he elects to file a second amended complaint, the court cannot refer to a prior pleading in order to make the second amended complaint complete. Local Rule 220 requires that any amended complaint be complete in itself without reference to any prior pleading. This is because, as a general rule, an amended complaint supersedes a previous complaint. See Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967). Once plaintiff files an amended

1 complaint, the previous pleadings no longer serve any function. Therefore, in a second amended
2 complaint, each claim and the involvement of each defendant must be sufficiently alleged.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff is granted 21 days to file a second
4 amended complaint that complies with the requirements of the Civil Rights Act, the Federal Rules
5 of Civil Procedure, and the Local Rules of Practice. The second amended complaint must bear
6 the docket number assigned this case and must be labeled "Second Amended Complaint." If
7 plaintiff does not file a second amended complaint within 21 days, this action will proceed on
8 plaintiff's amended complaint.

9 Dated: March 24, 2020



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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