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7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

10 ANTHONY NASSOR,  
 11 Plaintiff,  
 12 v.  
 13 U.S. DEPARTMENT OF EDUCATION,  
 14 Defendant.

CASE NO. 2:18-CV-00250-JAM-AC  
 DEFENDANT’S STATEMENT REGARDING  
 PLAINTIFF’S NOTICE TO AMEND CLAIM

15  
 16 Defendant the United States Department of Education respectfully submits this statement  
 17 regarding Plaintiff Anthony Nassor’s Notice to Amend Claim, filed with the Court on February 26,  
 18 2018. ECF 4.

19 Defendant does not oppose Plaintiff’s request to file an amended complaint. *See* Fed. R. Civ. P.  
 20 15(a). Under this Court’s rules and the governing law, an amended complaint supersedes the original  
 21 complaint and, therefore, must be a stand-alone document. E.D. Cal. Local R. 220 (“[E]very pleading to  
 22 which an amendment or supplement is permitted as a matter of right or has been allowed by court order  
 23 shall be retyped and filed so that it is complete in itself without reference to the prior or superseded  
 24 pleading.”); *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997) (noting that an “amended  
 25 complaint supersedes the original, the latter being treated thereafter as non-existent”); *Elder v.*  
 26 *Swarthout*, 2015 WL 4730370, at \*1 n.5 (E.D. Cal. Aug. 10, 2015) (“[A]s a general rule, an amended  
 27 complaint supersedes the original complaint.”). But Plaintiff’s Notice to Amend Claim, ECF 4, does not  
 28

1 appear to contain a complete restatement of his allegations in this case or otherwise include his proposed  
2 amended complaint.

3 Accordingly, Defendant requests that the Court issue an order allowing Plaintiff to file an  
4 amended complaint within approximately 30 days, and allowing Defendant 45 days to file a response,  
5 by motion or otherwise, as reflected in the proposed order below.

6 Respectfully submitted,

7 Dated: February 27, 2018

McGREGOR W. SCOTT  
United States Attorney

9 By: /s/ Philip A. Scarborough  
10 PHILIP A. SCARBOROUGH  
Assistant United States Attorney

11  
12 ~~[PROPOSED]~~ ORDER


13 GOOD CAUSE APPEARING, the Court orders as follows.

14 Plaintiff Anthony Nassor has filed a Notice to Amend Claim. ECF 4. Defendant the United  
15 States Department of Education does not oppose Plaintiff's request to amend his complaint. An  
16 amended complaint supersedes the original complaint and therefore must contain all allegations  
17 sufficient to state a claim without referring to the original complaint. *See* E.D. Cal. Local Rule 220;  
18 *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997). Plaintiff's Notice to Amend Claim does  
19 not appear to comply with this standard.

20 Accordingly, the Court orders the parties to conform to the following schedule. By March 30,  
21 2018, Plaintiff Anthony Nassor shall file his amended complaint. By May 14, 2018, Defendant shall file  
22 its response, by motion or otherwise.

23 SO ORDERED.

24 DATED: March 19, 2018

25   
26 ALLISON CLAIRE  
27 UNITED STATES MAGISTRATE JUDGE