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8	IN THE UNITED ST	ATES DISTRICT COURT
9	FOR THE EASTERN I	DISTRICT OF CALIFORNIA
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11	DARON MICHAEL OLIVER,	No. 2:18-CV-1809-KJM-DMC
12	Plaintiff,	
13	V.	<u>ORDER</u>
14	MELL, <sup>1</sup>	
15	Defendant.	
16		
17	Plaintiff, who is proceeding pro	o se, brings this civil action. This action proceeds
18	on Plaintiff's third amended complaint filed o	n February 1, 2020. <u>See</u> ECF No. 59. Plaintiff no
19	longer names as defendants T. Hatley or D. Sl	nelton. <u>See id.</u>
20	///	
21	///	
22	1 Defendant has been suited by	
23	complaint, Plaintiff listed "Sgt. Mel." ECF N	named throughout this action. In the original o. 1, pg. 1. In his answer to the original complaint,
24	complaint, Plaintiff again lists Defendant's na	CCF No. 18, pg. 1. In his first and second amended me as "Sgt. Mel." ECF Nos. 34, pg. 1, and 36, pg.
25	No. 40, pg. 1. In the operative amended comp	ames the defendant as "Sgt. David Melboure." ECF plaint, filed on February 1, 2021, pursuant to the
26	Melborue." ECF No. 59, pg. 1. Defendant's	answer to the operative amended complaint states
27		refer to the same individual – David Mell. The
28	clerk of the Court will be directed to update the name as indicated in his most recent answer at	he docket to reflect the spelling of Defendant's t ECF No. 60.
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As a general rule, an amended complaint supersedes the original complaint. See Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992). Therefore, if Plaintiff amends the complaint, the Court cannot refer to the prior pleading in order to make Plaintiff's amended complaint complete. See Local Rule 220. An amended complaint must be complete in itself without reference to any prior pleading. See id. Here, the third amended complaint no longer names as defendants T. Hatley or D. Shelton. Any claims Plaintiff had previously asserted against these individuals are, therefore, abandoned. This action shall proceed on the third amended complaint against Defendant Mell only.

## Accordingly, IT IS HEREBY ORDERED that:

- 1. The Clerk of the Court is directed to terminate "T. Hatley," "Trevor Hatley," "D. Shelton," and "Duane Shelton" as defendants to this action because they are no longer named in the operative amended complaint;
- 2. The Clerk of the Court is directed to update the docket to reflect that this action proceeds against Defendant "David Mell" only; and
- 3. The motion to dismiss, ECF No. 61, filed by T. Hatley and D. Shelton is denied as unnecessary because Plaintiff no longer names those individuals as defendants to this action.

Dated: February 25, 2021

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DENNIS M. COTA

UNITED STATES MAGISTRATE JUDGE