

1 ECF No. 16 at 2. He further alleges that on September 2, 2020, Dr. Eaton discontinued his
2 medication, leaving him in more pain. *Id.* at 3. The amended complaint does not include a
3 request for relief.

4 Plaintiff's amended complaint attempts to addresses the shortcomings identified by the
5 court in its screening order in isolation without redrafting the complaint as a whole. As a result, it
6 reads like a defense of the original complaint rather than as a freestanding complaint. Indeed, it
7 contains numerous references to the original complaint and argues that the original complaint
8 "properly alleges a cognizable legal theory and sufficient facts under that theory a claim for relief
9 is adequately pled." *See id.* at 3, 6, 7. As plaintiff is aware, however (*see* ECF No. 13), an
10 amended complaint supersedes any earlier filed complaint, and once an amended complaint is
11 filed, the earlier filed complaint no longer serves any function in the case. *See Forsyth v.*
12 *Humana*, 114 F.3d 1467, 1474 (9th Cir. 1997) (the "amended complaint supersedes the original,
13 the latter being treated thereafter as non-existent.") (quoting *Loux v. Rhay*, 375 F.2d 55, 57 (9th
14 Cir. 1967)). Here, plaintiff's amended complaint fails to state a claim.

15 Moreover, a pro se plaintiff, like other litigants, must satisfy the pleading requirements of
16 Rule 8(a) of the Federal Rules of Civil Procedure. Rule 8(a)(2) "requires a complaint to include a
17 short and plain statement of the claim showing that the pleader is entitled to relief, in order to give
18 the defendant fair notice of what the claim is and the grounds upon which it rests." *Bell Atl. Corp.*
19 *v. Twombly*, 550 U.S. 544, 554, 562-563 (2007) (citing *Conley v. Gibson*, 355 U.S. 41 (1957)).
20 Rule 8(a)(3) requires a complaint to contain a demand for judgment for the relief sought. In any
21 further amended complaint, plaintiff must include a request for relief, such as monetary damages
22 or specific injunctive relief.

23 Based on the foregoing, plaintiff's "first amended complaint" (ECF No. 16) is dismissed
24 with leave to amend for failure to comply with Rule 8.

25 Accordingly, IT IS ORDERED that:

- 26 1. Plaintiff's "first amended complaint" (ECF No. 16) is DISMISSED with leave to
27 amend within 30 days from the date of service of this order; and

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2. Failure to comply with this order may result in dismissal of this action for the reasons stated herein.

DATED: September 7, 2021.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE