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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CORNELL EUGENE WILSON, Jr.,
Petitioner,
v.
PAUL THOMPSON,
Respondent.

No. 2:21-cv-0793 KJN P
ORDER

Petitioner, a federal prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The application attacks a conviction and sentence imposed by the U.S. District Court for the Central District of California.

On June 7, 2021, petitioner filed a motion to supplement the petition. (ECF No. 4.) However, Local Rule 220 requires that changed pleadings be complete without reference to any prior pleading.¹ Accordingly, petitioner is granted leave to amend his petition to include all of his

¹ “Unless prior approval to the contrary is obtained from the Court, every pleading to which an amendment or supplement is permitted as a matter of right or has been allowed by court order shall be retyped and filed so that it is complete in itself without reference to the prior or superseded pleading. No pleading shall be deemed amended or supplemented until this Rule has been complied with. All changed pleadings shall contain copies of all exhibits referred to in the changed pleading. Permission may be obtained from the Court, if desired, for the removal of any exhibit or exhibits attached to a superseded pleading, in order that the same may be attached to the changed pleading.” L.R. 220.

1 claims or grounds for relief in one document. As a general rule, an amended pleading supersedes
2 the prior pleading. See Ramirez v. County of San Bernardino, 806 F.3d 1002, 1008 (9th Cir.
3 2015) (“an ‘amended complaint supersedes the original, the latter being treated thereafter as non-
4 existent.’” (internal citation omitted)). Once petitioner files an amended petition, the original
5 pleading no longer serves any function in the case. Therefore, in an amended petition, as in an
6 original petition, each claim and its supporting facts must be sufficiently alleged. If petitioner
7 fails to file an amended petition, this action will proceed on the original petition.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Petitioner’s motion (ECF No. 4) is denied; and
- 10 2. Petitioner is granted thirty days in which to file an amended petition that includes all of
11 his claims and supporting facts in one pleading.

12 Dated: July 15, 2021

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE