1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN I	DISTRICT OF CALIFORNIA
10		
11	JACK LEE CALDERON,	No. 2:23-cv-0689 AC P
12	Plaintiff,	
13	V.	<u>ORDER</u>
14	J. MAYHEW, et al.,	
15	Defendants.	
16		
17	Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983 and	
18	has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. ECF Nos. 2, 19.	
19	Also before the court is plaintiff's requests to amend his complaint. ECF Nos. 6, 8.	
20	I. <u>Application to Proceed In Forma P</u>	auperis
21	Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C.	
22	§ 1915(a). ECF Nos. 2, 19. Accordingly, the	request to proceed in forma pauperis is granted.
23	Plaintiff is required to pay the statutor	y filing fee of \$350.00 for this action. 28 U.S.C.
24	§§ 1914(a), 1915(b)(1). By this order, plaintit	ff will be assessed an initial partial filing fee in
25	accordance with the provisions of 28 U.S.C. § 1915(b)(1). By separate order, the court will direct	
26	the appropriate agency to collect the initial partial filing fee from plaintiff's trust account and	
27	forward it to the Clerk of the Court. Thereafter, plaintiff will be obligated for monthly payments	
28	of twenty percent of the preceding month's in-	come credited to plaintiff's prison trust account. 28
		1

U.S.C. § 1915(b)(2). These payments will be forwarded by the appropriate agency to the Clerk of
 the Court each time the amount in plaintiff's account exceeds \$10.00, until the filing fee is paid in
 full. <u>Id.</u>

4

II.

Requests to Amend the Complaint

Plaintiff has filed two requests to amend his complaint. ECF Nos. 6, 8. In the first, it
appears that plaintiff seeks to add state law and retaliation claims. ECF No. 6. In the second, it
appears that plaintiff seeks to add retaliation claims. ECF No. 8. Since plaintiff is still within the
time for filing an amended complaint as of right, see Fed. R. Civ. P. 15(a)(1), the request to
amend is denied as moot.

10 If plaintiff chooses to amend the complaint, he is advised that he may only join multiple 11 claims if they are all against a single defendant, Fed. R. Civ. P. 18(a), and he may only join 12 defendants where the right to relief arises out of the same "transaction, occurrence, or series of 13 transactions," and "any question of law or fact common to all defendants will arise in the action," 14 Fed. R. Civ. P. 20(a)(2). In other words, joining more than one claim is only proper when it is 15 against one defendant, and joining multiple defendants in one complaint is only proper when the 16 claims against them are based on the same facts. Plaintiff must decide which related claims and 17 defendants he wants to pursue in this action, and any unrelated claims involving different 18 defendants must be brought in separate suits.

19 Plaintiff is further informed that the court cannot refer to a prior pleading to make his first 20 amended complaint complete. Local Rule 220 requires that an amended complaint be complete 21 in itself without reference to any prior pleading. This is because, generally, an amended 22 complaint supersedes the original complaint. Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967) 23 (citations omitted), overruled in part by Lacey v. Maricopa County, 693 F.3d 896, 928 (9th Cir. 24 2012) (claims dismissed with prejudice and without leave to amend do not have to be re-pled in 25 subsequent amended complaint to preserve appeal). Once plaintiff files a first amended 26 complaint, the original complaint no longer serves any function in the case. Therefore, in an 27 amended complaint, as in an original complaint, each claim and the involvement of each 28 defendant must be sufficiently alleged. In the event plaintiff does not file an amended complaint,

1	the court will proceed to screen the original complaint.
---	--

1	the court will proceed to serven the original complaint.	
2	In his first request to amend plaintiff also requests that the court return his attachment—a	
3	letter from the California Department of General Services—because he was unable to make	
4	copies and sent the original. ECF No. 6 at 2. As a one-time courtesy, plaintiff will be provided a	
5	copy of the exhibit. However, plaintiff is advised that he should not send original documents to	
6	the court as the court does not return documents and will not provide copies in the future unless	
7	plaintiff pays the applicable costs.	
8	In accordance with the above, IT IS HEREBY ORDERED that:	
9	1. Plaintiff's requests for leave to proceed in forma pauperis (ECF No. 2, 19) are	
10	GRANTED.	
11	2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. Plaintiff	
12	is assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C.	
13	§ 1915(b)(1). All fees shall be collected and paid in accordance with this court's order to the	
14	appropriate agency filed concurrently herewith.	
15	3. Plaintiff's requests to amend the complaint (ECF Nos. 6, 8) are DENIED as	
16	unnecessary.	
17	4. If plaintiff does not file an amended complaint within thirty days of the service of this	
18	order, the court will assume that he is choosing to proceed on the original complaint, which will	
19	then be screened in due course.	
20	5. The Clerk of the Court is directed to send plaintiff a copy of the prisoner complaint	
21	form used in this district and a copy of the letter attached to his request for leave to amend (ECF	
22	No. 6 at 3).	
23	DATED: August 27, 2024	
24	allison Clane	
25	UNITED STATES MAGISTRATE JUDGE	
26		
27		
28		
	3	