

1 UNITED STATES DISTRICT COURT
 2 Northern District of California

3
 4 GILDA BAKER

No. C 13-073 MEJ

5 Plaintiff,

**ORDER DENYING AS MOOT
 DEFENDANTS' MOTIONS TO
 DISMISS**

6 v.

7 STATE OF CALIFORNIA HIGHWAY
 PATROL, et al.,

**ORDER DISMISSING WITHOUT
 PREJUDICE AMENDED
 COMPLAINT**

8 Defendants.
 9 _____/

10 Pending before the Court are Defendants' Motions to Dismiss. Dkt. Nos. 17, 18. However,
 11 on March 8, 2013, Plaintiff filed an Amended Complaint. Dkt. No. 24. Under Federal Rule of Civil
 12 Procedure 15, a party may amend its pleading once "as a matter of course" within "21 days after
 13 service of a responsive pleading or 21 days after service of a motion. Fed. R. Civ. P. 15(a)(1).
 14 Thus, as no prior amended complaints have been filed, Plaintiff was entitled to file an amended
 15 complaint as a matter of course under Rule 15(a). The amended complaint supersedes the original
 16 complaint, which is treated as non-existent. Since Defendants' motions are based on Plaintiff's
 17 original complaint, the Court hereby DENIES Defendants' motions as moot.

18 However, upon review of the Amended Complaint, the Court finds Plaintiff's allegations
 19 unclear. Accordingly, the Court DISMISSES Plaintiff's Amended Complaint WITHOUT
 20 PREJUDICE. Plaintiff shall file a second amended complaint that complies with the guidelines set
 21 forth in Federal Rule of Civil Procedure 8(a). This rule requires that a complaint for relief include
 22 (1) a short and plain statement of the grounds for the court's jurisdiction; (2) a short and plain
 23 statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief
 24 sought. A pleading may not simply allege a wrong has been committed and demand relief; it must
 25 state the elements of the claim plainly and succinctly. Plaintiff must allege with at least some degree
 26 of particularity the facts in which defendants engaged to support her claims. *Jones v. Cmty. Redev.*
 27 *Agency*, 733 F.2d 646, 649 (9th Cir. 1984).

28 If Plaintiff chooses to amend the complaint, it is recommended that she either type the

1 amended complaint or handwrite it in a manner that is legible. It is also recommended that Plaintiff
2 obtain a copy of the Court's *Handbook for Litigants Without a Lawyer*, which is available free of
3 charge in the Clerk's Office, or online at <http://cand.uscourts.gov/prosehandbk>. This handbook
4 provides an explanation of the required components of a complaint, which include the following:

- 5 1. Caption page
- 6 2. Subject matter jurisdiction
- 7 3. Venue
- 8 4. Intradistrict assignment
- 9 5. Parties
- 10 6. Statement of facts
- 11 7. Claims
- 12 8. Request for relief
- 13 9. Demand for jury trial
- 14 10. Signature

15 The Court also advises Plaintiff that there are two additional resources available. First,
16 Plaintiff may wish to seek assistance from the Legal Help Center, located on the 15th Floor of the
17 Federal Building, 450 Golden Gate Avenue, San Francisco, California, in Room 2796, where
18 Plaintiff may sign up for a free appointment with an attorney who may be able to provide basic legal
19 help, but not legal representation. The telephone number for scheduling an appointment with the
20 Legal Help Center is (415) 782-9000, extension 8657. Second, the San Francisco Bar Association
21 operates a lawyer referral service which may be helpful in securing pro bono counsel.

22 Consistent with the instructions in this Order, Plaintiff shall file any amended complaint by
23 April 17, 2013. Failure to file an amended complaint by April 17 shall result in the dismissal of this
24 case with prejudice.

25 **IT IS SO ORDERED.**

26 Dated: March 13, 2013

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28 _____
Maria-Elena James
United States Magistrate Judge