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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERTO CAMPA LOPEZ,
Plaintiff,
v.
CONTRA COSTA COUNTY SHERIFF
DEPARTMENT; SAM ROSALES;
THOMAS NORVELL; SHERIFF DAVID
O. LIVINGSTON, et al.,
Defendants.

No. C 13-3330 JSW (PR)
**ORDER OF DISMISSAL WITH
LEAVE TO AMEND**

This case was opened when Plaintiff, an inmate at the Contra Costa County Jail, filed a document entitled “Plaintiff’s Supplemental Pleadings and Second Amended Complaint.” The defendants and some of the allegations are similar to those in Plaintiff’s prior case, *Lopez v. Burris, et al.*, No. C 10-1581 JSW, which case was closed after Defendants’ motion to dismiss was granted. Further leave to amend was not granted (Plaintiff had earlier been allowed to amend his complaint), but Plaintiff’s medical claims were dismissed without prejudice to re-filing after they have been exhausted. As a result, Plaintiff may bring such claims, or any other, in this new case. The trouble is that the pleading he has submitted appears to be only partial insofar as he states that it is “supplemental.” Plaintiff must submit a complete complaint with all the

1 claims and allegations he wishes to raise, and naming all of the defendants he wishes to
2 sue. Plaintiff will be given leave to amend to do so, as follows:

3 Plaintiff shall file an amended complaint within **twenty eight (28) days from the**
4 **date this order is filed.** Plaintiff is advised to use the Court's complaint form. The
5 amended complaint **must** include the caption and civil case number used in this order
6 (No. C 13-3330 JSW (PR)) and the words "COURT-ORDERED FIRST AMENDED
7 COMPLAINT" on the first page. Because an amended complaint completely replaces
8 the original complaint, *see Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992),
9 Plaintiff may not incorporate material from the original by reference. Failure to amend
10 within the designated time and in accordance with this order will result in the dismissal
11 of this action.

12 IT IS SO ORDERED.

13 DATED: October 1, 2013

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16 JEFFREY S. WHITE
17 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
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5 ROBERTO LOPEZ,
6 Plaintiff,
7

Case Number: CV13-03330 JSW

CERTIFICATE OF SERVICE

8 v.

9 CONTRA COSTA COUNTY SHERIFF
DEPARTMENT, et al,

10 Defendant.
11 _____/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
Court, Northern District of California.

13 That on October 1, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
15 receptacle located in the Clerk's office.

16
17 Roberto Campa Lopez
18 C22294
PBSP 5905 Lake Earl Drive
19 P. O. Box 7500
Crescent City, CA 95531

20 Dated: October 1, 2013

Jennifer Ottolini
Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk

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