

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERIC DARNELL COOK,
Plaintiff,
v.
P. KAMALNATH, et al.,
Defendants.

Case No. [15-cv-05570-RS](#) (PR)

ORDER REOPENING ACTION

Plaintiff’s motion for reconsideration, which the Court construes as a motion to reopen, is GRANTED. (Dkt. No. 17.) The judgment and the order of dismissal are VACATED.

On or before **December 10, 2018**, plaintiff shall file an amended complaint. The new complaint must include the caption and civil case number used in this order (15-05570 RS (PR)) and the words FIRST AMENDED COMPLAINT on the first page. Because an amended complaint completely replaces the previous complaints, plaintiff must include in his amended complaint **all** the claims he wishes to present and **all** of the defendants he wishes to sue. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). He may **not** incorporate material from the prior complaint by reference. The complaint must also appear on this Court’s form, a copy of which will be sent to him. Failure to file an amended complaint that complies in all respects with this order will result in dismissal of

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this action without further notice to plaintiff.

No extensions of time will be granted. Plaintiff's motion for the marshal to serve the complaint is DENIED. (Dkt. No. 22.) The Clerk shall terminate Dkt. Nos. 17 and 22.

IT IS SO ORDERED.

Dated: October 31, 2018



RICHARD SEEBORG
United States District Judge