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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAMAURICE LYDELL HARRIS,
Plaintiff,
v.
CLERIC MUHAMMAD, et al.,
Defendants.Case No. [21-cv-00283-HSG](#)**ORDER DENYING REQUEST TO ADD
DEFENDANT WITHOUT PREJUDICE
TO FILING SECOND AMENDED
COMPLAINT**

Re: Dkt. No. 21

Plaintiff, an inmate at San Quentin State Prison (“SQSP”), has filed the instant *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On April 7, 2022, the Court screened the operative complaint (Dkt. No. 8) and found that it stated cognizable claims against defendants SQSP Muslim cleric Muhammad (K. Fasish) and SQSP Christian chaplain Jackson for violation of the First Amendment’s free exercise clause, the Eighth Amendment, the Equal Protection Clause, and the Religious Land Use and Institutionalized Persons Act. Dkt. No. 13. Plaintiff has requested leave to amend the operative complaint to add as a defendant Chaplain Charles Richey, the community resources manager of the Religious Programs Oversight Unit, Division of Adult Institutions, because Plaintiff has recently determined that Mr. Richey is responsible for requiring the named defendants to issue the religious diet violations that have violated his civil rights. Dkt. No. 21. This motion is DENIED because a plaintiff may not amend a complaint piecemeal by filing letters or motions with the Court adding defendants or claims. The proper way to amend a complaint is to seek leave to file an amended complaint. Accordingly, the Court’s denial of Plaintiff’s request to add Mr. Richey as a defendant is without prejudice to Plaintiff filing a motion for leave to file a second amended complaint and attaching a proposed second amended complaint that adds Mr. Richey as a defendant. Plaintiff is cautioned that, as a general rule, an amended

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Northern District of California

1 complaint supersedes the original complaint. *See Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967).
2 Once an amended complaint is filed, the original complaint no longer serves any function in the
3 case. The second amended complaint should therefore include all the defendants that Plaintiff
4 wishes to sue and all the claims he wishes to bring, including the defendants already served and
5 the claims already found cognizable. Plaintiff may not incorporate the prior complaints by
6 reference. Plaintiff is reminded that any request for leave to amend the complaint must be
7 accompanied by a proposed amended complaint, as required by the Northern District Local Rules.
8 N.D. Cal. L.R. 10-1.

9 This order terminates Dkt. No. 21.

10 **IT IS SO ORDERED.**

11 Dated: 8/1/2022


HAYWOOD S. GILLIAM, JR.
United States District Judge