

FILED

MAR 16 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NO

1. MARCUS L. HARRISON
2. PLAINTIFF
3. V.
4. CORRECTIONAL OFFICER
5. E. SMITH
6. DEFENDANT

PLAINTIFF'S SECOND REQUEST
FOR MOTION FOR LEAVE TO AMEND
AND SUPPLEMENT THE ORIGINAL
PLEADINGS FOR PURPOSES OF
CORRECTING A PROCEDURAL
ERROR.. — F.R.C.P.—15(a)

RECEIVED

MAR 16 2009

(d.)

Richard W. Wieking
Clerk, U.S. District Court
Northern District of California

CASE NO: C-08-4123-SI-PR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

13. THIS ACTION IS BEING BROUGHT FORTH PURSUANT TO 42
14. U.S.C. § 1983.. THEREFORE, JURISDICTION IS PROPER UNDER
15. 28 U.S.C. § 1331 AND § 1343..

16. ON AUGUST 17TH; 2008 PLAINTIFF FILED A § 1983 CIVIL
17. CLAIM AGAINST THE DEFENDANT CORRECTIONAL OFFICER E. SMITH
18. AS PREDICATED UPON HER RETALIATORY ACTIONS AGAINST THE PLA
19. INTIFF FOR FILING A § 1983 CIVIL CLAIM AGAINST HER FELLOW
20. CORRECTIONAL OFFICER.. (SEE ATTATCH AS EXHIBIT A.)

21. PLAINTIFF THEN FILED A AMENDED/SUPPLEMENTAL COMPLAINT
22. AS PREDICATED UPON THE DEFENDANT'S CONTINUED RETALIATORY
23. ACTIONS AGAINST THE PLAINTIFF.. (SEE ATTATCH AS EXHIBIT
24. B.)

25. HOWEVER, PLAINTIFF FAILED TO ATTATCH A COPY OF THE ORIG.
26. INAL PLEADINGS TO MY AMENDED/SUPPLEMENTAL COMPLAINT, TO
27. WHICH I MADE TO DO SO NOW.. (SEE ATTATCH AS EXHIBIT
28. A.)

1. MARCUS L. HARRISON
2. PLAINTIFF
3. V.
4. CORRECTIONAL OFFICER
5. E. SMITH
6. DEFENDANT

SECOND MOTION FOR LEAVE
TO AMEND AND SUPPLEMENT
THE INITIAL PLEADINGS —
F.R.C.P. — 15(a)(d)...

7.
8. CASE NO: C-08-4123-SI-PR.
9. UNITED STATES DISTRICT COURT
10. NORTHERN DISTRICT OF CALIFORNIA

11. PLAINTIFF HEREBY MOVES BEFORE THIS COURT WITH A SECO-
12. ND MOTION FOR LEAVE TO AMEND AND SUPPLEMENT THE INITIAL
13. PLEADINGS OF HIS CIVIL COMPLAINT, FOR PURPOSES OF CORRECT-
14. ING A PROCEDURAL ERROR, WITHIN PLAINTIFF'S FIRST MOTION
15. FOR LEAVE TO AMEND AND SUPPLEMENT THE PLEADINGS PURSU-
16. ANT TO THE FEDERAL RULES OF CIVIL PROCEDURE — F.R.C.P. —
17. — 15(a)(d)...

18. THE PROCEDURAL ERROR THAT THE PLAINTIFF HAS MADE
19. WITH HIS FIRST MOTION FOR LEAVE TO AMEND AND SUPPLEM-
20. ENT THE PLEADINGS, WAS THAT PLAINTIFF DID NOT ATTACH A
21. TRUE COPY OF THE ORIGINAL PLEADINGS TO HIS FIRST SUPPLEM-
22. ENTAL PLEADINGS, AND ONLY MADE REFERENCES TO THE ORIGIN-
23. AL PLEADINGS WITHIN THE FIRST SUPPLEMENTAL PLEADINGS...
24. (SEE EXHIBIT B.) HENCEFORTH, PLAINTIFF NOW MOVES FOR
25. WARD WITH A TRUE COPY OF THE ORIGINAL PLEADINGS, THAT IS
26. NOW BEING ATTACHED TO THE PLAINTIFF'S SECOND SUPPLE-
27. MENTAL MOTION.. (SEE EXHIBIT A. ...)..

28.

1. PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE — 15(a).
2. (d.) PLAINTIFF IS ENTITLED TO SUBMIT A SUPPLEMENTAL COMPL.
3. AINT, AS IT DEALS WITH EVENTS THAT HAVE OCCURRED SINCE THE
4. ORIGINAL COMPLAINT WAS FILED.. THE EVENTS THAT ARE IDENT.
5. IFIED WITHIN THE SUPPLEMENTAL COMPLAINT MUST HAVE "SOME
6. RELATIONSHIP" TO THE CLAIMS IN THE ORIGINAL COMPLAINT.. THE
7. COURTS USUALLY GRANT A MOTION FOR LEAVE TO AMEND AND
8. SUPPLEMENT THE PLEADINGS AS LONG AS SAID MOTION IS NOT
9. BEING SUBMITTED IN BAD FAITH.. SEE: YOUNGER V. CHERNOV.
10. ETZ • 792 • F. SUPP. 173, 176 (D. CONN. 1992); AND GRIFFIN
11. V. COUNTY SCHOOL BOARD OF PRINCE EDWARD COUNTY • 377 •
12. U.S. 218, 227 — 84 — S. CT. 1226 (1964)..

13. BASED ON THE AFOREMENTIONED MATERIAL FACTS AS STIPU.
14. LATED WITHIN PLAINTIFF'S SECOND MOTION FOR LEAVE TO AMEND
15. AND SUPPLEMENT THE ORIGINAL PLEADINGS, FOR PURPOSES OF
16. CORRECTING A PROCEDURAL ERROR WITHIN HIS FIRST MOTION
17. FOR LEAVE TO AMEND AND SUPPLEMENT THE ORIGINAL PLEAD.
18. INGS, PLAINTIFF PRAYS THAT THIS COURT WILL GRANT THE
19. BOTH OF PLAINTIFF'S SUPPLEMENTAL MOTIONS ONE & TWO, AS
20. THE PROCEDURAL ERROR HAS NOW BEEN CORRECTED.. (SEE
21. EXHIBIT • A. — SECOND SET OF SUPPLEMENTAL PLEADINGS..)

22.

23. DATED:
24. MARCH 2nd; 2009

25.

26.

27.

28.

RESPECTFULLY SUBMITTED,
MARCUS L. HARRISON
Marcus L. Harrison
• IN PRO. PER. •

1. MARCUS L. HARRISON
 2. PLAINTIFF
 3. V.
 4. CORRECTIONAL OFFICER
 5. E. SMITH
 6. DEFENDANT

DECLARATION IN SUPPORT OF
 PLAINTIFF'S SECOND MOTION
 FOR LEAVE TO AMEND AND
 SUPPLEMENT THE ORIGINAL
 PLEADINGS — F.R.C.P. — 15(a)
 (d.)...

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CASE NO: 08-4123-SI-PR

10. UNITED STATES DISTRICT COURT
 11. NORTHERN DISTRICT OF CALIFORNIA

12. I, MARCUS L. HARRISON HEREBY DECLARE AS FOLLOWS:
 13. THAT I HAVE SUBMITTED A SECOND MOTION FOR LEAVE TO
 14. AMEND AND SUPPLEMENT THE ORIGINAL PLEADINGS PURSUANT
 15. TO F.R.C.P. — 15(a)(d) FOR PURPOSES OF CORRECTING A
 16. PROCEDURAL ERROR WITHIN PLAINTIFF'S FIRST MOTION FOR
 17. LEAVE TO AMEND AND SUPPLEMENT THE ORIGINAL PLEADINGS,
 18. IN WHICH PLAINTIFF FAILED TO ATTACH A TRUE COPY OF THE
 19. ORIGINAL PLEADINGS TO THE FIRST SUPPLEMENTAL MOTION..

20. THIS PROCEDURAL ERROR HAS NOW BEEN CORRECTED.. (SEE
 21. EXHIBIT A. — OF PLAINTIFF'S SECOND MOTION FOR LEAVE TO
 22. AMEND AND SUPPLEMENT THE ORIGINAL PLEADINGS..)

23. ALL OF THE MATERIAL FACTS THAT IS SO STIPULATED WITHIN
 24. THE PLAINTIFF'S FIRST AND SECOND MOTIONS FOR LEAVE TO
 25. AMEND AND SUPPLEMENT THE ORIGINAL PLEADINGS IS TRUE AND
 26. CORRECT, AND IS DIRECTLY RELATED TO THE CLAIMS THAT THE
 27. PLAINTIFF HAS RAISED IN THE ORIGINAL PLEADINGS...

28.

1. I HEREBY DECLARE UNDER THE PENALTY OF PERJURY
2. THAT THE FOREGOING FACTS IS TRUE AND CORRECT, TO WHICH
3. IS BASED ON THE PLAINTIFF'S OWN PERSONAL KNOWLEDGE
4. AND EXPERIENCE...

5.

6.

7. DATED:

8. MARCH 2ND, 2009

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RESPECTFULLY SUBMITTED,
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Marcus L. Harrison
• IN PRO. PER. •