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E-FILED - 11/30/10

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

| | | |
|---------------------------|---|---------------------------|
| JOE LOUIS VALENTINE, JR., |) | No. C 10-3836 RMW (PR) |
| |) | |
| Plaintiff, |) | ORDER DIRECTING PLAINTIFF |
| |) | TO FILE AMENDED COMPLAINT |
| v. |) | |
| |) | |
| J. SILVEIRA, et al., |) | |
| |) | |
| Defendants. |) | |

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff is granted leave to proceed in forma pauperis in a separate order. On September 17, 2010, plaintiff filed a request to include additional information relevant to the allegations in his original complaint.

Plaintiff may amend his complaint once as a matter of course at any time before a responsive pleading is served. See Fed. R. Civ. P. 15(a). An amended complaint filed as a matter of course or after leave of court supersedes the original complaint. “[A] plaintiff waives all causes of action alleged in the original complaint which are not alleged in the amended complaint.” London v. Coopers & Lybrand, 644 F.2d 811, 814 (9th Cir. 1981). Defendants not named in an amended complaint are no longer defendants. See Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992).

Thus, plaintiff is directed to file one operative complaint, including all materials and information that he intends to bring before the court. Plaintiff must include the caption and civil

1 case number used in this order (C 10-3836 RMW (PR)) and the words AMENDED
2 COMPLAINT on the first page. Plaintiff may not incorporate material from the prior complaint
3 by reference. **Failure to file an amended complaint within thirty days and in accordance**
4 **with this order will result in the court proceeding with the original complaint filed on**
5 **August 27, 2010.** The Clerk of the Court shall send plaintiff a blank civil rights form along with
6 his copy of this order.

7 It is the plaintiff's responsibility to prosecute this case. Plaintiff must keep the Court
8 informed of any change of address by filing a separate paper with the clerk headed "Notice of
9 Change of Address," and must comply with the court's orders in a timely fashion. Failure to do
10 so may result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of
11 Civil Procedure 41(b).

12 IT IS SO ORDERED.

13 DATED: 11/30/10


RONALD M. WHYTE
United States District Judge