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

SY LEE CASTLE,)	No. C 12-2193 LHK (PR)
)	
Plaintiff,)	ORDER GRANTING
)	PLAINTIFF’S MOTION TO
vs.)	AMEND; DENYING
)	DEFENDANT’S MOTION FOR
)	EXTENSION OF TIME;
M. SEPULVEDA,)	DENYING PLAINTIFF’S FOR
)	EXTENSION OF TIME
Defendant.)	
)	(Doc. Nos. 8, 10, 12.)

Plaintiff, a California state prisoner proceeding *pro se*, filed a civil rights action under 42 U.S.C. § 1983, against Dr. M. Sepulveda. The Court issued an order of service on August 12, 2012. (Doc. No. 6.) Plaintiff has filed a motion requesting permission to amend the complaint. (Doc. No. 8.) A plaintiff may amend the complaint “once as a matter of course within [] 21 days after serving it.” Fed. R. Civ. P. 15(a)(1)(A). But, if the complaint requires a responsive pleading, a plaintiff may amend the complaint “21 days after service of a responsive pleading, or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B). In all other cases, a plaintiff must obtain the defendant’s consent or leave of Court to amend a complaint. Fed. R. Civ. P. 15(a)(2). Defendant has indicated that he “does not oppose Plaintiff’s motion to amend[.]” (Doc. No. 10 at 2.) Thus, the Court **GRANTS** Plaintiff leave to amend his complaint. See *id.* (“The court should freely give leave [to amend] when justice so requires.”). Plaintiff shall file an **AMENDED COMPLAINT** within thirty days from

1 the date this order is filed. The amended complaint must include the caption and civil case
2 number used in this order (C 12-2193 LHK (PR)) and the words AMENDED COMPLAINT on
3 the first page. **Failure to file an amended complaint within thirty days and in accordance**
4 **with this order will result in the Court proceeding with the cognizable claim found in**
5 **Plaintiff's original complaint.** Plaintiff is advised that an amended complaint supersedes the
6 original complaint. "[A] plaintiff waives all causes of action alleged in the original complaint
7 which are not alleged in the amended complaint." *London v. Coopers & Lybrand*, 644 F.2d 811,
8 814 (9th Cir. 1981). The briefing schedule set forth in the Court's order dated August 12, 2012
9 is **VACATED** pending further order of the Court.

10 Additionally, Plaintiff has filed a motion for extension of time to respond to Defendant's
11 answer to his complaint (Doc. No. 12), and Defendant has filed a motion for extension of time to
12 file a dispositive motion to the complaint. (Doc. No. 10.) Both Plaintiff's and Defendant's
13 motions are **DENIED** as moot.

14
15 This order terminates docket numbers 8, 10 and 12.

16 IT IS SO ORDERED.

17 DATED: 11/8/12

18 
19 LUCY H. KOH
20 United States District Judge