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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

PEDRO RODRIGUEZ,
Inmate Booking No. 14745493,

Plaintiff,

vs.

ROBERT S. STALL; LAURA
ENGREM; F. MICHAEL GARCIA;
OFFICE OF ASSIGNED COUNSEL,

Defendant.

Civil No. 14cv2646 LAB (DHB)

ORDER:

**(1) DENYING MOTION TO
AMEND COMPLAINT WITHOUT
PREJUDICE; AND**

**(2) GRANTING EXTENSION OF
TIME TO FILE A FIRST
AMENDED COMPLAINT**

Pedro Rodriguez (“Plaintiff”), currently housed at the Vista Detention Facility located in Vista, California, and proceeding pro se, has filed a civil rights complaint (“Compl.”) pursuant to 42 U.S.C. § 1983 (Doc. No. 1).

Plaintiff has not prepaid the civil filing fee; instead he has filed a Motion to Proceed *In Forma Pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915(a) (Doc. No. 3). On November 26, 2014, this Court granted Plaintiff’s Motion to Proceed IFP but sua sponte dismissed his Complaint for failing to state a claim upon which relief could be granted.

Instead of filing a First Amended Complaint, Plaintiff has filed a “Motion to Amend Complaint” in which he seeks to add two additional Defendants. (Doc No. 7.) In this Motion, Plaintiff indicates that he is seeking to “add” to his original Complaint.

1 However, Plaintiff's Complaint has been dismissed and there currently is no operative
2 pleading in this matter. Plaintiff has been given leave to file an Amended Complaint and
3 he may choose to add these additional Defendants to that pleading.

4
5 **CONCLUSION AND ORDER**

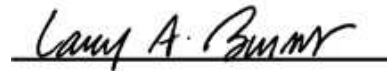
6 Good cause appearing, **IT IS HEREBY ORDERED:**

7 1. Plaintiff's Motion to Amend his Complaint (Doc. No. 7) is **DENIED**.

8 2. Plaintiff is **GRANTED** sixty (60) days leave from the date of this Order in
9 which to file an Amended Complaint which cures all the deficiencies of pleading noted
10 in the Court's November 26, 2014 Order. Plaintiff's Amended Complaint must be
11 complete in itself without reference to his original pleading. *See* S.D. CAL. CIVLR. 15.1.
12 Defendants not named and all claims not re-alleged in the Amended Complaint will be
13 considered waived. *See King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987).

14 3. The Clerk of Court is directed to mail a copy of a form § 1983 complaint.

15
16 DATED: January 12, 2015

17 

18 **HONORABLE LARRY ALAN BURNS**
19 United States District Judge