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8	UNITED STATES DISTRICT COURT	
9	SOUTHERN DISTRICT OF CALIFORNIA	
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11	ROBERT TAYLOR,	Case No.: 18cv942-MMA (BLM)
12	Plaintiff,	ORDER DENYING AS MOOT
13	V.	PLAINTIFF'S MOTION TO AMEND
14	PARAMO, et al.,	COMPLAINT
15	Defendants.	[Doc. No. 7]
16		
17	Plaintiff Robert Taylor, a California inmate proceeding pro se, brings this civil	
18	rights action against various prison officials at R. J. Donovan Correctional Facility in San	
19	Diego, California, alleging violation of his Eighth Amendment right to be free from the	
20	excessive use of force. See Doc. No. 1. The Court screened Plaintiff's complaint	
21	pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A, and found it suitable for service upon	
22	the named defendants. See Doc. No. 4. Plaintiff now moves for leave to amend his	
23	complaint. See Doc. No. 7.	
24	Federal Rule of Civil Procedure 15(a) provides that "a party may amend its	
25	pleading once as a matter of course within 21 days after serving it." Fed. R. Civ. P.	
26	15(a)(1). To date, the record reflects that none of the named defendants to this action	
27	have been served. Therefore, in this instance, Plaintiff may file an amended complaint	
28	without leave of court.	

Taylor v. Paramo et al

Doc. 8

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Accordingly, the Court **DENIES AS MOOT** Plaintiff's motion for leave to file an amended complaint. The Court advises Plaintiff that an amended complaint must be complete by itself without reference to the original pleading. Any defendants not named, and any claim not re-alleged, in an amended complaint will be considered waived. *See* S.D. Cal. CivLR 15.1; *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) ("[A]n amended pleading supersedes the original."); *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (noting that claims dismissed with leave to amend which are not re-alleged in an amended pleading may be "considered waived if not repled."). The Court **DIRECTS** the Clerk of Court to mail a courtapproved civil rights form complaint to Plaintiff.

IT IS SO ORDERED.

DATE: August 2, 2018

HON. MICHAEL M. ANELLO United States District Judge