

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02689-BNB

JOHNNY L. REYNOLDS, # 113703,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS (CDOC), et al. Officials Acting in
Their Perspective Duties,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 12 2009

GREGORY C. LANGHAM
CLERK

ORDER

At issue is the Motion to Amend Original Complaint that Plaintiff, Johnny Reynolds, filed on December 19, 2008. In the Motion, Mr. Reynolds requests that one additional claim and five additional requests for relief be included with the original Complaint.

Plaintiff's Motion to Amend is denied. An amended complaint supersedes the original complaint. *See Boelens v. Redman Homes, Inc.*, 759 F.2d 504, 508 (5th Cir. 1985); *Cameron v. Fogarty*, 705 F.2d 676 (2^d Cir. 1983); *London v. Coopers & Lybrand*, 644 F.2d 811 (9th Cir. 1981); 6 C. Wright, A. Miller & M. Kane, *Federal Practice and Procedure* § 1476 (1990). The pleading that Plaintiff has submitted does not contain all the alleged claims or the necessary information that Plaintiff is required to provide in a Prisoner Complaint form. Therefore, Plaintiff has failed to provide to the Court a complaint that is sufficient to supersede the prior Complaint and that the Court may consider as an amended complaint in this action. Accordingly, it is

ORDERED that Plaintiff's Motion to Amend Original Complaint, (Doc. No. 5.), filed January 9, 2009 is DENIED, and the additional claim and requests for relief included in the Motion will not be considered by the Court. It is

FURTHER ORDERED that the Clerk of the Court is directed to send to Plaintiff two copies of the Prisoner Complaint form so he can file a proper Amended Prisoner Complaint if he so desires. It is

FURTHER ORDERED that Plaintiff shall have thirty days from the date of the instant Order to file an Amended Complaint. If Plaintiff fails to file an Amended Complaint within thirty days the Court will commence review of the merits of the original Prisoner Complaint. It is

FURTHER ORDERED that Plaintiff's Motion for Discovery Documentation, (Doc. No. 6), filed January 9, 2009, is DENIED as premature.

DATED January 12, 2009, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 08-cv-02689-BNB

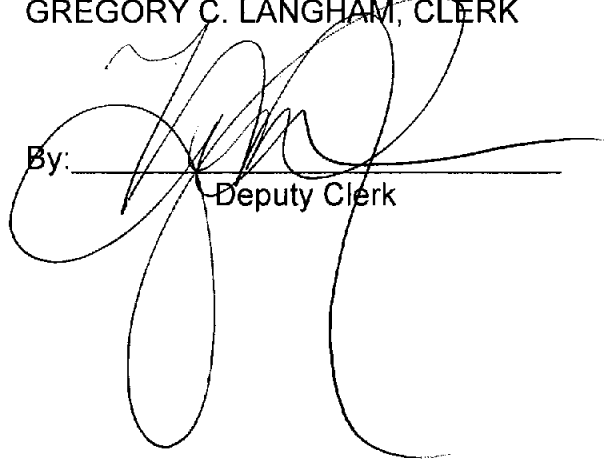
Johnny L. Reynolds
Prisoner No. 113703
Limon Correctional Facility
Unit 6-A
49030 State Hwy. 71
Limon, CO 80826

I hereby certify that I have mailed a copy of the **ORDER and two copies of the Prisoner Complaint form** to the above-named individuals on 1/12/09

GREGORY C. LANGHAM, CLERK

By: _____

Deputy Clerk

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and loops around the line.