

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02818-BNB

JACQUES N. FREEMAN,

Plaintiff,

v.

D.W.C.F. CORRECTIONAL OFFICER (TROTТА),

Defendant.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

DEC 09 2009

GREGORY C. LANGHAM  
CLERK

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ORDER DIRECTING PLAINTIFF TO FILE SECOND AMENDED COMPLAINT

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Plaintiff initiated this action by filing a Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on November 24, 2009. On December 2, 2009, the Court directed the Clerk of the Court to commence a civil action and ordered Mr. Freeman to cure certain deficiencies. Specifically, the Court ordered Mr. Freeman to file a complete complaint, on the court-approved form, that included Plaintiff's Request for Relief.

Mr. Freeman filed an Amended Complaint on December 7, 2009. However, the Amended Complaint is completely blank except for Plaintiff's Request for Relief. Plaintiff, however, is reminded that an amended complaint supersedes the original complaint. *See Balance v. Redman Homes, Inc.*, 759 F.2d 504, 508 (5th Cir. 1985); *Cameron v. Figwort*, 705 F.2d 676 (2d 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). Accordingly, Plaintiff will be ordered to file a Second Amended Complaint.

The Second Amended Complaint must be submitted on the Court-approved form and must contain all claims, named parties, and requests for relief. Plaintiff is reminded that he must provide a short and plain statement of the basis for the Court's jurisdiction and of his claims so that the Court and the defendant understand what he is claiming in this action and are be able to respond to those claims. Accordingly, it is

ORDERED that Plaintiff, Jacques N. Freeman, file **within thirty (30) days from the date of this order** a second amended complaint that complies with the directives in this order. It is

FURTHER ORDERED that the clerk of the Court mail to Mr. Freeman, together with a copy of this order, two copies of the following form to be used in submitting the amended complaint: Complaint. It is

FURTHER ORDERED that, if Mr. Freeman fails to file a second amended complaint that complies with this order to the Court's satisfaction within the time allowed, the complaint and the action will be dismissed without further notice.

DATED December 9, 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. 09-cv-02818-BNB

Jacques Freeman  
2323 Curtis St.  
Denver, CO 80205

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

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk