

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00901-MSK-BNB

JAMES RALPH DAWSON, JR.,

Plaintiff,

v.

PAUL AUDET,
SUSAN AUDET, a.k.a. DEANNE AUDET,
DONALD BRIGHTWELL,
DINO WILLIAMS,
ANGEL MEDINA,
STEVEN OWENS, and
ANTHONY DeCESARO,

Defendants.

ORDER

This matter arises on **Plaintiff's Motion for Leave to Supplement Complaint . . .** [Doc. #11, filed 05/14/2012] (the "Motion"). The Motion is DENIED WITHOUT PREJUDICE.

The plaintiff seeks to amend his Complaint to add a new claim. The plaintiff has not attached a copy of the proposed amended complaint to his motion to amend.

Rule 15, Fed. R. Civ. P., provides that a complaint may be amended once as a matter of course within 21 days after serving it, or "if the pleading is one to which a responsive pleading is required, 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). "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." *Id.* at 15(a)(2).

A responsive pleading has not yet been served in this case. Therefore, the plaintiff may

amend his pleading as a matter of course. However, the plaintiff may not amend his Complaint by filing piecemeal supplements. Rather, he must file the entire proposed amended complaint. The plaintiff may not incorporate by reference his original Complaint into the amended complaint. The amended complaint must stand alone; it must contain all of the plaintiff's claims. Mink v. Suthers, 482 F.3d 1244, 1254 (10th Cir. 2007) (stating that "an amended complaint supercedes an original complaint and renders the original complaint without legal effect") (internal quotations and citations omitted). Accordingly,

IT IS ORDERED that the Motion is DENIED WITHOUT PREJUDICE, subject to compliance with this order.

Dated May 18, 2012.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge