

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 13-cv-00111-PAB-BNB

JOE M. TONEY, JR.,

Plaintiff,

v.

WARDEN BERKEBILE,
A.W. HALL,
A.W. KUTA,
S.I.S. REDDEN,
R. MARTINEZ,
MS. RANGEL,
MS. SUDLOW, and
MR. MADISON,

Defendants.

ORDER

This matter arises on the plaintiff's **Supplemental Complaint** [Doc. #29, filed 03/21/2013]. The Supplemental Complaint is STRICKEN.

The plaintiff filed his Amended Prisoner Complaint [Doc. #20] (the "Amended Complaint") on February 15, 2013. The Amended Complaint asserts four claims. The plaintiff has filed a "Supplemental Complaint" which asserts a claim against four additional defendants.

The plaintiff may not amend his Amended Complaint by simply filing piecemeal amendments and supplements. Rather, he must seek leave to amend,¹ and the motion to amend

¹Rule 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,

must be accompanied by a copy of the entire proposed second amended complaint. The plaintiff may not incorporate by reference his original Complaint or his Amended Complaint into the second amended complaint. The second 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"). Accordingly,

IT IS ORDERED that Supplemental Complaint [Doc. # 29] is STRICKEN.

Dated March 25, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

a party may amend its pleading only with the opposing party's written consent or the court's leave. Id. at 15(a)(2).