

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

Civil Action No. 13-cv-00111-RM-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 **Motion to Seek Leave to File Amended Complaint** [Doc. #40, filed 06/06/2013] (the "Motion"). The Motion is DENIED.

The plaintiff filed his Amended Prisoner Complaint [Doc. #20] (the "Amended Complaint") on February 15, 2013. The Amended Complaint asserts four claims. On March 21, 2013, the plaintiff filed a "Supplemental Complaint" in which he attempted to assert claims against four additional defendants (Messrs. Cedeno, Perkins, Cochran, and Parry). I struck the Supplemental Complaint, and stated:

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

Order issued March 25, 2013 [Doc. #30].

The plaintiff now seeks leave to amend his Complaint to add claims against numerous additional defendants (Mr. Miedich, Captain Snider, Lt. Giconi, "the Warden's," "the Unit Team," and Mr. Marshall). In disregard of my order of March 25, 2013, the plaintiff failed to attach a copy of his proposed second amended complaint to the Motion. Instead, he attached a copy of the Amended Complaint.

IT IS ORDERED:

- (1) The Motion [Doc. # 40] is DENIED;
- (2) Any future attempts to amend the Amended Complaint must comply with my order of March 25, 2013; and
- (3) Failure to comply with my orders may result in sanctions, including dismissal of this case.

Dated June 27, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge