

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

Civil Action No. 13-cv-01861-WJM-BNB

ARTHUR MOORE,

Plaintiff,

v.

CAPTAIN ARGUELLO, and  
CAPTAIN TOM MEEK,

Defendants.

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**ORDER**

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This matter arises on the following papers (the “Papers”) filed by the plaintiff:

- (1) **Motion to Amend** [Doc. #34, filed 01/23/2014]; and
- (2) A paper titled “**Adding Additional Defendant ‘Above’ Re: Due Process Violation** [Doc. #36, filed 02/03/2014].

The plaintiff filed his Second Amended Prisoner Complaint on October 9, 2013 [Doc. #17] (the “Complaint”). He now seeks to supplement his Complaint with the Papers.

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). The plaintiff does not meet the criteria for amendment as a matter of course. Therefore, he may amend his Complaint “only with the opposing party’s written consent or the court’s leave.” *Id.* at 15(a)(2).

“The court should freely give leave [to amend] when justice so requires.” Id. However, the plaintiff may not amend his Complaint by simply filing piecemeal amendments and supplements. Rather, he must file the entire proposed third amended complaint. The plaintiff may not incorporate by reference his previous complaints into the proposed third amended complaint. The proposed third amended complaint must stand alone; it must contain all of the plaintiff’s claims. Mink v. Suthers, 482 F.3d 1244, 1254 (10<sup>th</sup> 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 Papers [Docs. ## 34 and 36] are DENIED WITHOUT PREJUDICE, subject to compliance with this Order.

Dated February 3, 2014.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge