

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00465-KLM

GABRIEL RODRIGUEZ-AGUIRRE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Plaintiff's **Motion for Leave to Amend Complaint to Restate Claim One Pursuant to Federal Rules [sic] of Civil Procedure 15(a)** [#39]<sup>1</sup> (the "Motion"). On September 14, 2015 the Court denied without prejudice Plaintiff's Motion to Clarify Allegations of the Complaint and/or Leave to Amend [#37] and informed Plaintiff that if he

is seeking leave to file an Amended Complaint, he must file a motion which complies with the federal and local rules, namely, Fed. R. Civ. P. 15, and which includes the proposed Amended Complaint as a document separate from the Motion. The Court will not permit piecemeal adjudication of Plaintiff's case, thus Plaintiff must include all claims he seeks to bring and defendants he intends to name in the proposed Amended Complaint.

*Minute Order* [#38] at 1. Plaintiff filed the Motion in response to that Minute Order. In the Motion, Plaintiff requests "leave to file an amended complaint pursuant to Fed. R. Civ. P. 15(a)." *Motion* [#39] at 1. Plaintiff attaches a document to the Motion titled Amended Complaint to Restate Claim One Pursuant to Federal Rules of Civil Procedures 15(a). See *generally Motion, Ex. 1* [#39-1]. However, the attachment is not a complete proposed amended complaint. Instead the attachment provides amendments to the existing Complaint [#1]. As the Court previously informed Plaintiff, "[t]he Court will not permit

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<sup>1</sup> "[#39]" is an example of the convention I use to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). I use this convention throughout this Minute Order.

piecemeal adjudication of Plaintiff's case." *Minute Order* [#38] at 1. If Plaintiff wishes to amend his Complaint, he must file a proposed Amended Complaint. This proposed Amended Complaint must include all of Plaintiff's claims against all Defendants. In short, it must be a stand-alone document that is not making textual edits to any other document. This is because if the proposed Amended Complaint is accepted by the Court, it will become the operative pleading and entirely replace the previously filed Complaint, which will no longer be relied on by the Court or the parties. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#39] is **DENIED without prejudice**. If Plaintiff, who proceeds in this matter pro se, is seeking leave to file an Amended Complaint, he must file a motion which complies with the federal and local rules, namely, Fed. R. Civ. P. 15, and which includes the proposed Amended Complaint as a document separate from the Motion.

Dated: September 29, 2015