

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02693-REB-MEH

WILLIAM B. ELLER,

Plaintiff,

v.

MR. TOUCHE,
MRS. RUCH,
MRS. PARK,
MRS. TAVNER,
MR. LEFEVER,
MR. RUSSELL,
SARAH DARULA, and
NICOLE ALBRIGHT,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on January 20, 2016.

Plaintiff's [Second] Motion to Amend Complaint [filed January 19, 2016; docket #28] is **denied without prejudice** for the same reasons articulated in the Court's minute order regarding Plaintiff's first request to amend the complaint. The Court repeats the details of that minute order here:

Because an amended complaint takes the place of a complaint, the Court will not allow Plaintiff to file what essentially amounts to two complaints he asks the Court to consider together. *See Franklin v. Kansas Dep't of Corr.*, 160 F. App'x 730, 734 (10th Cir. 2005) ("An amended complaint supersedes the original complaint and renders the original complaint of no legal effect.") (citing *Miller v. Glanz*, 948 F. 2d 1562, 1565 (10th Cir. 1991)); *see also Robinson v. Dean Foods Co.*, No. 08-cv-01186-REB-CBS, 2009 WL 723329, at *4 (D. Colo. Mar. 18, 2009) (citation omitted) ("Generally, when an amended complaint is filed, the previous complaint is wiped out and the operative complaint is the most recently filed version."). Thus, should Plaintiff wish to add parties, he must file an amended complaint that restates all his claims and names all parties, including those formerly named and those he now wishes to add.

See docket #24. With the current Motion, Plaintiff files a mere continuation of his Complaint,

adding new parties but not providing the Court with a full copy of an amended complaint listing all parties and all details and claims Plaintiff desires to be contained in this lawsuit. Pursuant to *Franklin*, a properly filed amended complaint will *take the place of the Complaint*; therefore, any amended complaint submitted must include all of the information Plaintiff wants to be considered in the lawsuit – in one document that does not refer to the earlier Complaint. Plaintiff's current Motion fails to accomplish that.