



1 375 F.2d 55, 57 (9th Cir. 1967). Local Rule 15-1 requires that an Amended Complaint be complete in  
2 itself without reference to any prior pleading. Once a plaintiff files an Amended Complaint, the original  
3 Complaint no longer serves any function in the case. Therefore, in an Amended Complaint, as in an  
4 original Complaint, each claim must be sufficiently alleged.

5 Plaintiff should be aware that any Amended Complaint must be properly served on the  
6 Defendant. *See* Fed. R. Civ. P. 5(a)(2) (“a pleading that asserts a new claim for relief against [a party  
7 in default] must be served on that party under Rule 4”).

8 Lastly, Plaintiff should also be aware that the filing of an Amended Complaint will moot the  
9 pending motion for default judgment, as well as the default already entered by the Clerk, given that an  
10 Amended Complaint would add new causes of action. *See Chilko v. Lorren*, 2008 WL 4468995, \*2  
11 (E.D. Cal. Sept. 30, 2008) (vacating default and deeming withdrawn motion for default judgment in light  
12 of amended complaint).

13 Accordingly the motion for an order to show cause is hereby **DENIED** without prejudice. To  
14 the extent Plaintiff wishes to amend his Complaint, he must do so in compliance with the above  
15 instructions. In particular, he must file a complete Amended Complaint, properly serve that Amended  
16 Complaint on Defendant, and begin anew the process of obtaining default judgment. Any Amended  
17 Complaint must be filed no later than August 8, 2014. In the event Plaintiff does not to file an Amended  
18 Complaint by August 8, 2014, the Court will proceed with the case based on his original Complaint.

19 IT IS SO ORDERED.

20 DATED: July 9, 2014

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24 NANCY J. KOPPE  
25 United States Magistrate Judge  
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