



1 was held regarding the Ninth Circuit's ruling and how to proceed. The Court directed  
2 Mr. Hiser to show cause why this case should not be dismissed for failure to prosecute  
3 on or before September 30, 2018. On August 20, 2018, a copy of the minutes of  
4 proceedings was provided to Mr. Hiser via U.S. Mail. (ECF No. 64).

6 Plaintiff may proceed pro se and is granted leave to file an amended complaint to  
7 cure the deficiencies of the complaint pursuant to the United States Court of Appeals for  
8 the Ninth Circuit Memorandum (ECF No. 52).

9 If Plaintiff chooses to file an amended complaint he is advised that an amended  
10 complaint supersedes (replaces) the original complaint and, thus, the amended  
11 complaint must be complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner &*  
12 *Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that “[t]he fact that a party was  
13 named in the original complaint is irrelevant; an amended pleading supersedes the  
14 original”); see also *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding  
15 that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims  
16 in a subsequent amended complaint to preserve them for appeal). Plaintiff’s amended  
17 complaint must contain all claims, defendants, and factual allegations that Plaintiff  
18 wishes to pursue in this lawsuit. Moreover, Plaintiff must file the amended complaint on  
19 this Court’s approved prisoner civil rights form and it must be entitled “First Amended  
20 Complaint.”

24 The Court notes that if Plaintiff chooses to file an amended complaint curing the  
25 deficiencies, as outlined in this order, Plaintiff shall file the amended complaint **ON OR**  
26 **BEFORE FRIDAY, DECEMBER 14, 2018**. If Plaintiff chooses not to file an amended  
27 complaint curing the stated deficiencies, the Court will dismiss this action with prejudice.  
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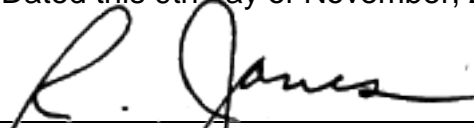
1 IT IS HEREBY ORDERED that if Plaintiff chooses to file an amended complaint  
2 curing the deficiencies of his complaint in accordance with the Memorandum (ECF No.  
3 52), Plaintiff shall file the amended complaint on or before **FRIDAY, DECEMBER 14,**  
4 **2018.**

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6 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the  
7 approved form for filing a § 1983 complaint, instructions for the same, a copy of his  
8 original complaint (ECF No. 1) and the United States Court of Appeals for the Ninth  
9 Circuit Memorandum (ECF No. 52). If Plaintiff chooses to file an amended complaint,  
10 he must use the approved form and he shall write the words "First Amended" above the  
11 words "Civil Rights Complaint" in the caption.  
12

13 IT IS FURTHER ORDERED that, if Plaintiff chooses not to file an amended  
14 complaint curing the stated deficiencies of the complaint, this action will be dismissed  
15 with prejudice.  
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17 IT IS SO ORDERED.

18 Dated this 9th day of November, 2018.

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22 ROBERT C. JONES  
23 Senior District Judge  
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