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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 WENDELL DWAYNE O'NEAL,
6 Plaintiff,
7
8 vs.
9 EMPIRE FIRE AND MARINE INS. CO., et al.,
10 Defendants.

Case No. 2:16-cv-02313-JCM-CWH
ORDER

11 On January 27, 2017, the court entered a screening order that, among other things,
12 (1) granted Plaintiff Wendell Dwayne O'Neal's application to proceed *in forma pauperis* and
13 (2) dismissed his amended complaint without prejudice for Plaintiff to file a second amended
14 complaint. (Screening Order (ECF No. 25).) Plaintiff subsequently filed a second amended
15 complaint (ECF No. 27), an errata to the second amended complaint (ECF No. 29), and another
16 second amended complaint (ECF No. 30).¹ Additionally, on April 28, 2017, Plaintiff paid the
17 \$400.00 filing fee for a civil case. (Receipt of Payment (ECF No. 33).)

18 Typically, when a plaintiff who is proceeding *in forma pauperis* files an amended
19 complaint, the court screens the amended complaint under 28 U.S.C. § 1915(e), just as the court
20 screens the original complaint. In this case, given that Plaintiff has now paid the full filing fee, the
21 court will revoke Plaintiff's *in forma pauperis* status as it is no longer necessary and will not screen
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24 ¹ Plaintiff is advised that his second amended complaint (ECF No. 30), filed on February 9,
25 2017, is now the operative complaint in this case. It is a "well-established doctrine that an amended
26 pleading supersedes the original pleading." *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992).
27 After amendment, "the original pleading no longer performs any function and is treated thereafter as
28 non-existent." *Id.* (quotation omitted). Thus, parties and claims that are mentioned in the original
complaint that are not included in an amended complaint are no longer part of the case, and the court
cannot refer to a prior complaint to make an amended complaint complete. *See id.* Going forward, the
court will not consider the allegations in Plaintiff's previous pleadings and will only analyze the
allegations in Plaintiff's second amended complaint (ECF No. 30).

1 the seconded amended complaint under § 1915(e). The court therefore will order this case to
2 proceed on the normal litigation track as guided by the Federal Rules of Civil Procedure.

3 IT IS THEREFORE ORDERED that Plaintiff Wendell Dwayne O'Neal's *in forma pauperis*
4 status is REVOKED.

5 IT IS FURTHER ORDERED that the court will not screen Plaintiff's second amended
6 complaint (ECF No. 30) and that this case will proceed on the normal litigation track.

7 IT IS FURTHER ORDERED that Plaintiff's second amended complaint (ECF No. 30) is
8 deemed filed as of the date of this order.

9 IT IS FURTHER ORDERED that Plaintiff must serve the Defendants in compliance with
10 Federal Rule of Civil Procedure 4 within 90 days from the date of this order. *See* Fed. R. Civ. P.
11 4(m).

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13 DATED: May 4, 2017

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15 C.W. Hoffman Jr.
16 United States Magistrate Judge
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