UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LONNIE LEE BANARK,

Plaintiff,

v.

JAMES DZURENDA et al.,

Defendants.

2:16-cv-02555-JCM-GWF

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), has filed multiple motions to correct his complaint and multiple motions for a screening order/status check. (ECF No. 4, 5, 6, 8, 9, 11, 12, 13). The Court denies the motions for screening order/status checks. (ECF No. 8, 9, 11, 12). Plaintiff's complaint is in line for screening. The Court will issue a screening order in due course.

With respect to Plaintiff's corrections, the Court will not piecemeal Plaintiff's complaint together. Plaintiff's operative complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. As such, the Court denies the motions to correct errors in the complaint (ECF No. 4, 5, 6, 13) and grants Plaintiff leave to file a fully complete first amended complaint.

If Plaintiff chooses to file a first amended complaint he is advised that a first amended complaint supersedes (replaces) the original complaint and, thus, the first amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original"); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with

prejudice, a plaintiff is not required to reallege such claims in a subsequent amended complaint to preserve them for appeal). Plaintiff's first amended complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the first amended complaint on this Court's approved prisoner civil rights form and it must be entitled "First Amended Complaint."

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the motions for screening order/status checks (ECF No. 8, 9, 11, 12) are denied.

IT IS FURTHER ORDERED that the motions to correct complaint (ECF No. 4, 5, 6, 13) are denied.

IT IS FURTHER ORDERED that, if Plaintiff chooses to file a first amended complaint, Plaintiff shall file the first amended complaint within 30 days from the date of entry of this order.

IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, and a copy of his complaint and motions to correct complaint (ECF No. 1-1, 4, 5, 6, 13). If Plaintiff chooses to file a first amended complaint, he must use the approved form and he shall write the words "First Amended" above the words "Civil Rights Complaint" in the caption.

IT IS FURTHER ORDERED that, if Plaintiff does not timely file a first amended complaint, the Court will screen the original complaint (ECF No. 1-1) only and strike all other corrections (ECF No. 4, 5, 6, 13) from the docket.

DATED: This 20th day of July, 2017.

George Foley Jr.
United States Magistrate Judge