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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ANTHONY FESTA,

Plaintiff,

v.

NDOC, *et al.*,

Defendants.

Case No. 2:17-cv-00850-APG-NJK

ORDER

**I. DISCUSSION**

Pending before the Court is Plaintiff's motion for appointment of counsel. Docket No. 36. Also pending before the Court is Plaintiff's motion for enlargement of time. Docket No. 37.

The motion for enlargement of time is not, as Plaintiff submits, his first request for additional time to file his third amended complaint. In fact, this is his third motion seeking more time before filing his third amended complaint. See Docket Nos. 29, 34. In the instant motion, Plaintiff seeks an extension of time from September 3, 2018 until October 3, 2018 to file his third amended complaint. Docket No. 37 at 1. However, on August 3, 2018, the Court ordered Plaintiff to file his third amended complaint within 60 days. Docket No. 33 at 4. Thus, the current deadline is not September 3, 2018, but rather it is October 2, 2018. For clarity, the Court will grant the motion for extension of time for the

1 additional day Plaintiff requests. Plaintiff must file his third amended complaint by  
2 October 3, 2018.

3 Plaintiff is once again advised that an amended complaint supersedes (replaces)  
4 the earlier complaint and, thus, the amended complaint must be complete in itself. See  
5 *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989)  
6 (holding that “[t]he fact that a party was named in the original complaint is irrelevant; an  
7 amended pleading supersedes the original”). However, Plaintiff may not amend his  
8 complaint to add unrelated claims involving different defendants; adding such claims to  
9 an amended complaint will result in dismissal of those claims. Such claims must be  
10 brought in separate lawsuits. Plaintiff also may not add claims that already have been  
11 addressed in other lawsuits. Such claims will be considered duplicative and frivolous and  
12 will be dismissed. In the amended complaint, for each count, Plaintiff should allege the  
13 *facts* that support his claim. Plaintiff is not required to file exhibits with his complaint.  
14 Furthermore, Plaintiff again is instructed **not** to file original documents with his Third  
15 Amended Complaint.

16 With respect to Plaintiff’s motion for appointment of counsel, Docket No. 36, the  
17 Court notes that this is not Plaintiff’s first motion for appointment of counsel. See Docket  
18 Nos. 27, 29. In its August 3, 2018 order, this Court denied Plaintiff’s two prior motions for  
19 appointment of counsel. (ECF No. 33 at 3, 4). For the same reasons provided in that  
20 order, the Court once again denies Plaintiff’s motion for appointment of counsel. Docket  
21 No. 36.  
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**II. CONCLUSION**

For the foregoing reasons, IT IS ORDERED that Plaintiff's motion for an extension of time to file his third amended complaint, Docket No. 37, is **GRANTED**. Plaintiff must file his third amended complaint by October 3, 2018.

IT IS FURTHER ORDERED that Plaintiff's motion for appointment of counsel, Docket No. 36, is **DENIED**.

DATED September 25, 2018.

  
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NANCY J. KOPPE  
UNITED STATES MAGISTRATE JUDGE