

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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Tobias Price,

Case No. 2:21-cv-01438-JAD-DJA

Plaintiff,

Order

V.

The Suites, et al.,

Defendants.

Plaintiff Tobias Price has moved to extend the deadline by which he must file an amended complaint. (ECF No. 8). After the Court screened his complaint, it ordered that Plaintiff had until January 7, 2022 to send the U.S. Marshal the required Form USM-285 and to file an amended complaint. (ECF No. 5 at 10). Plaintiff asks to move this deadline given his limited access to the law library under the prison’s COVID-19 precautions. (ECF No. 8 at 1-2). Plaintiff explains that he has very limited access to the library because the prison only allows ten inmates at a time to enter. (*Id.*). Plaintiff adds that he did not receive the Court’s order until a week after it issued. (*Id.*).

Under Local Rule IA 6-1 and 26-3, motions to extend time must be supported by good cause. LR IA 6-1; LR 26-3. Plaintiff has demonstrated good cause by explaining his limited access to the law library and the longer time frames in which he receives Court mail. The Court thus grants Plaintiff's motion to extend and moves the January 7, 2022 deadline in its previous order thirty-three days to **Monday, February 7, 2022**.

1 **IT IS THEREFORE ORDERED** that Plaintiff's motion for an extension (ECF No. 8) is
2 **granted**. Plaintiff shall have until **Monday, February 7, 2022** in which to send the U.S. Marshal
3 the required Form USM-285. Within twenty-one days after receiving a copy of the Form USM-
4 285 back from the U.S. Marshal showing whether service has been accomplished, Plaintiff must
5 file a notice with the Court identifying whether the defendant was served. If Plaintiff wishes to
6 have service again attempted on an unserved defendant, the Plaintiff must file a motion with the
7 Court identifying the unserved defendant and specifying a more detailed name and/or address for
8 said defendant or whether some other manner of service should be attempted.

9 **IT IS FURTHER ORDERED** that Plaintiff shall also have until **Monday, February 7,**
10 **2022** in which to file an amended complaint to the extent he believes he can correct the noted
11 deficiencies. If Plaintiff chooses to amend his complaint, Plaintiff is informed that the Court
12 cannot refer to a prior pleading (i.e., the original complaint) to make the amended complaint
13 complete. This is because, generally, an amended complaint supersedes the original complaint.
14 Local Rule 15-1(a) requires that an amended complaint be complete without reference to any
15 prior pleading. Once a plaintiff files an amended complaint, the original complaint no longer
16 serves any function in the case. Therefore, in an amended complaint, as in an original complaint,
17 each claim and the involvement of each Defendant must be sufficiently alleged.

18 **IT IS FURTHER ORDERED** that the deadline by which Plaintiff must serve the
19 Defendants against whom Plaintiff's claims are proceeding is still **March 17, 2022**, as outlined in
20 the Court's previous order. (ECF No. 5 at 10).

22 DATED: January 6, 2022

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DANIEL J. ALBREGTS
25 UNITED STATES MAGISTRATE JUDGE
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