

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

10 The Court notes that if Plaintiff chooses to file an amended complaint curing the
11 deficiencies, as outlined in this order and the Ninth Circuit’s order, Plaintiff shall file the
12 amended complaint within 30 days from the date of entry of this order. If Plaintiff chooses not
13 to file an amended complaint curing the stated deficiencies, Plaintiff must notify the Court
14 within 30 days from the date of this order that he chooses to proceed on Count I against
15 Defendants Jackson and Marikami, Count II against Defendants Serrano and Jackson, and
16 Counts III, IV, V, VI, and VII through supplemental jurisdiction. If Plaintiff does not either file
17 an amended complaint or file a notice informing the Court of his intent to proceed with this
18 case without filing an amended complaint, the Court shall dismiss this case with prejudice.

19 **II. CONCLUSION**

20 For the foregoing reasons, IT IS ORDERED that the application to proceed *in forma*
21 *pauperis* (ECF No. 1) is reinstated. The Court now defers a decision on the application to
22 proceed *in forma pauperis* (ECF No. 1).

23 IT IS FURTHER ORDERED that if Plaintiff chooses to file an amended complaint curing
24 the deficiencies of his complaint, as outlined in this order and the Ninth Circuit’s order, Plaintiff
25 shall file the amended complaint within 30 days from the date of entry of this order.

26 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
27 approved form for filing a § 1983 complaint, instructions for the same, a copy of his original
28 complaint (ECF No. 4), a copy of this Court’s original screening order (ECF No. 3), and a copy

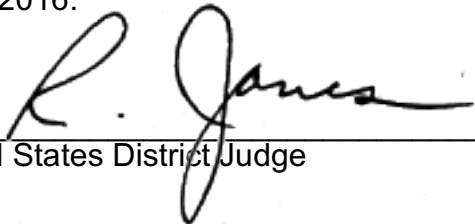
1 of the Ninth Circuit's order (ECF No. 16). If Plaintiff chooses to file an amended complaint,
2 he must use the approved form and he shall write the words "First Amended" above the words
3 "Civil Rights Complaint" in the caption.

4 IT IS FURTHER ORDERED that if Plaintiff chooses not to file an amended complaint,
5 he must file a written notice informing the Court of his intent to proceed with this case without
6 filing an amended complaint. If Plaintiff chooses to file such a notice, this case shall proceed
7 on Count I against Defendants Jackson and Marikami, Count II against Defendants Serrano
8 and Jackson, and Counts III, IV, V, VI, and VII through supplemental jurisdiction.

9 IT IS FURTHER ORDERED that if Plaintiff fails to either file an amended complaint or
10 notify the Court of his intent to proceed with this case within 30 days from the date of this
11 order, the Court shall dismiss this case with prejudice.

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DATED: This 16th day of September, 2016.


United States District Judge