

1
2
3
4
5
6
7
8
9
10
11
12

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RASHON KALANI-KAI KING,
Plaintiff,
v.
JAMES G. COX et al.,
Defendants.

3:14-cv-528-MMD-WGC

ORDER

I. DISCUSSION

On January 23, 2015, Plaintiff informed the Court that it had erroneously filed his amended complaint for this case in a separate action. (ECF No. 3). On January 26, 2015, the Court administratively closed the second case and filed Plaintiff’s amended complaint and motion for appointment of counsel in this case. (ECF No. 5, 6).

In his letter, Plaintiff explained that he had filed an amended complaint because he needed to add something to the original complaint. (ECF No. 3 at 1). The amended complaint adds one claim but does not reiterate the claims alleged in Plaintiff’s original complaint. (*Compare* ECF No. 1-1 *with* ECF No. 5).

Plaintiff is granted leave to file a second amended complaint. If Plaintiff chooses to file a second amended complaint he is advised that an amended complaint supersedes the original complaint and, thus, the second 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

1 to reallege such claims in a subsequent amended complaint to preserve them for appeal).
2 Plaintiff's second amended complaint must contain all claims, defendants, and factual
3 allegations that Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the
4 second amended complaint on this Court's approved prisoner civil rights form and it must be
5 entitled "Second Amended Complaint."

6 The Court notes that if Plaintiff chooses to file a second amended complaint, Plaintiff
7 shall file the second amended complaint within 30 days from the date of entry of this order.
8 If Plaintiff chooses not to file a second amended complaint, the Court shall screen the first
9 amended complaint only.

10 **II. CONCLUSION**

11 For the foregoing reasons, IT IS ORDERED that if Plaintiff chooses to file a second
12 amended complaint, Plaintiff shall file the second amended complaint within 30 days from the
13 date of entry of this order.

14 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
15 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his
16 original complaint (ECF No. 1-1) and first amended complaint (ECF No. 5). If Plaintiff chooses
17 to file a second amended complaint, he must use the approved form and he shall write the
18 words "Second Amended" above the words "Civil Rights Complaint" in the caption.

19 IT IS FURTHER ORDERED that if Plaintiff chooses not to file a second amended
20 complaint, the Court shall screen the first amended complaint only.

21
22 DATED: This 27th day of January, 2015.

23
24 
25 _____
26 United States Magistrate Judge
27
28