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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BALMORE ALEXANDER VILLATORO, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 PRESTON et al., )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

3:16-cv-00531-MMD-WGC

**ORDER**

**I. DISCUSSION**

Plaintiff has filed a motion to amend his complaint but has not attached a proposed amended complaint. (ECF No. 3). The Court has not yet screened Plaintiff’s original complaint. The Court grants Plaintiff thirty (30) days to file an amended complaint. If Plaintiff chooses not to file an amended complaint within thirty (30) days, the Court will screen Plaintiff’s original complaint (ECF No. 1-1).

If Plaintiff chooses to file an amended complaint he is advised that an amended complaint supersedes (replaces) the original complaint and, thus, the 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 amended complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the amended complaint on this Court’s approved prisoner civil rights form and it must be entitled “First Amended Complaint.”

1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that the motion to amend complaint  
3 (ECF No. 3) is granted.

4 IT IS FURTHER ORDERED that, if Plaintiff chooses to file an amended complaint,  
5 Plaintiff shall file the amended complaint within thirty (30) days from the date of entry of this  
6 order.

7 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the  
8 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his  
9 original complaint (ECF No. 1-1). If Plaintiff chooses to file an amended complaint, he must  
10 use the approved form and he shall write the words "First Amended" above the words "Civil  
11 Rights Complaint" in the caption.

12 IT IS FURTHER ORDERED that, if Plaintiff chooses not to file an amended complaint  
13 within thirty (30) days from the date of entry of this order, the Court will screen Plaintiff's  
14 original complaint (ECF No. 1-1).

15 DATED: June 13, 2017.

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*William G. Cobb*  
United States Magistrate Judge

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