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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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RONNIE MONEY COLEMAN,

Case No. 3:17-cv-00649-MMD-WGC

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Plaintiff,

ORDER

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v.

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JOHN EROGUL, *et al.*,

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Defendants.

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I. DISCUSSION

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Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, has filed a motion to amend his complaint and has attached a supplemental pleading. (See ECF Nos. 3, 3-1). The Court will not piecemeal Plaintiff's complaint together. Plaintiff's operative complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. As such, the Court grants the motion to amend to the extent that Plaintiff is granted leave to file a fully complete first amended complaint.

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If Plaintiff chooses to file a first amended complaint he is advised that a first amended complaint supersedes (replaces) the original complaint and, thus, the first 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

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1 that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims
2 in a subsequent amended complaint to preserve them for appeal). Plaintiff's first
3 amended complaint must contain all claims, defendants, and factual allegations that
4 Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the first amended
5 complaint on this Court's approved prisoner civil rights form and it must be entitled "First
6 Amended Complaint."

7 **II. CONCLUSION**


8 For the foregoing reasons, IT IS ORDERED that the motion to amend complaint
9 (ECF No. 3) is granted to the extent that Plaintiff may file a fully complete first amended
10 complaint.

11 IT IS FURTHER ORDERED that, if Plaintiff chooses to file a first amended
12 complaint, Plaintiff shall file the first amended complaint within 30 days from the date of
13 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 complaint and supplement (ECF Nos. 1-1, 3-1). If Plaintiff chooses to file a first amended
17 complaint, he must use the approved form and he shall write the words "First Amended"
18 above the words "Civil Rights Complaint" in the caption.

19 IT IS FURTHER ORDERED that, if Plaintiff does not timely file a first amended
20 complaint, the Court will screen the original complaint (ECF No. 1-1) only and strike his
21 supplement (ECF No. 3-1) from the docket.

22 DATED: August 10, 2018.

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UNITED STATES MAGISTRATE JUDGE
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