UNITED STATES DISTRICT COURT
MIDDLE DISTRICT COURT OF PENNSYLVANIA

FAHEEM ROCHESTER,	:	
Plaintiff,	:	
	:	**No. 1:17-CV-01220**
v.	:	**(Judge Rambo)**
WARDEN OF SCI BENNER, et al.	:	
	:	
Defendants.	:	

ORDER

AND NOW, **THEREFORE**, this 5th day of September, 2017, in accordance with the accompanying memorandum, **IT IS ORDERED THAT:**

1. Plaintiff's motion to proceed in forma pauperis (Doc. No. 8) is construed as a motion to proceed without full prepayment of the filing fee and is **GRANTED**;

2. Plaintiff's motion for appointment of counsel (Doc. No. 3) is **DENIED without prejudice**;

3. Plaintiff's complaint is **DISMISSED in part** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915 (e)(2)(B)(ii) with leave to file an amended complaint, consistent with this Order and Memorandum, within thirty (30) days of the date hereof;

4. Plaintiff is granted leave to file an amended complaint within thirty (30) days from the date hereof. If Plaintiff elects to file an amended complaint, Plaintiff is advised to adhere to the standards set forth in the Federal Rules of Civil Procedure and the directives set forth by this Court in its accompanying Memorandum. Specifically, the amended complaint must be complete in all respects. It must be a new pleading which stands by itself without reference to the original complaint or any other documents already filed. The amended complaint should set forth Plaintiff's claims in short, concise and plain statements as required by Rule 8 of the Federal Rules of Civil Procedure. Each paragraph should be numbered. The amended complaint should specify which actions are

alleged as to which defendants and sufficiently allege personal involvement of the defendant in the acts which Plaintiff claims violated his rights. Mere conclusory allegations will not set forth cognizable claims. Importantly, should Plaintiff elect to file an amended complaint, he must re-plead every cause of action in the amended complaint that the Court has found to be adequately pled in the current complaint because the amended complaint will supersede the original complaint. See Knight v. Wapinsky, No. 12-CV-2023, 2013 WL 786339, at *3 (M.D. Pa. March. 1, 2013) (stating that an amended complaint supersedes the original complaint). Because an amended complaint supersedes the original pleading, all causes of action alleged in the original complaint which are not alleged in an amended complaint are waived. Id. (citations omitted); and

5. The Court will defer service of the complaint for thirty (30) days. If Plaintiff files an amended complaint, it will supersede the original complaint as set forth above. If Plaintiff fails to file an amended complaint within thirty (30) days of the date hereof, the Court will direct service of the original complaint on the remaining Defendants.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge