UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN THOMAS ENTLER,

Plaintiff,

v.

MICHAEL KNOX, *et al*.,

Defendants.

Case No. C12-962-RSL-JPD

ORDER RE: PLAINTIFF'S PENDING MOTIONS

This is a civil rights action filed under 42 U.S.C. § 1983. This matter comes before the Court at the present time on plaintiff's motion to amend his complaint, to extend time, and to permit additional briefing. The Court, having reviewed plaintiff's motions, and the balance of the record, does hereby ORDER as follows:

(1) Plaintiff's motion to amend his complaint (Dkt. No. 16) is DENIED. Plaintiff seeks to amend his complaint to reflect his cause of action and request for injunctive relief under the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). Defendants argue that plaintiff's motion is unnecessary because defendants have construed his original complaint as

asserting a claim under RLUIPA as evidenced by their reference to such a claim in their pending motion for summary judgment.

While the amendment plaintiff seeks to make is a minor one, and not one which would prejudice defendants at this juncture, plaintiff's proposed amended complaint is incomplete as it consists of only two pages, the caption page and the relief page. An amended pleading operates as a *complete* substitute for an original pleading. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir.) (citing *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1990) (as amended), *cert. denied*, 506 U.S. 915 (1992). Plaintiff's amended pleading fails to adequately set forth any claim for relief because it omits the factual support for the claims which is set forth in plaintiff's original complaint. Thus, plaintiff would be significantly prejudiced if the Court were to accept for filing his proposed amended complaint. As defendants have construed plaintiff's original pleading as asserting a claim under RLUIPA, it is in plaintiff's best interests for the Court to deny his motion for leave to amend.

(2) Plaintiff's motion for an extension of time to respond to defendants' pending motion for summary judgment (Dkt. No. 18) is GRANTED. Plaintiff's response was received on April 8, 2013 and has been accepted for filing.

(3) Plaintiff's motion for additional briefing (Dkt. No. 22) is GRANTED. Plaintiff, by way of the instant motion, seeks to present additional briefing in response to issues raised in the Declaration of Henri P. Fischer which was submitted by defendants in conjunction with their reply brief in support of their pending motion for summary judgment. Defendants indicate in their response to plaintiff's motion that they do not oppose his request for additional briefing.

Accordingly, plaintiff is granted leave to file and serve an additional brief, limited to the issues identified in his motion, not later than ***May 28, 2013***. Such briefing shall be limited to six pages.

(4) Defendants' motion for summary judgment is RE-NOTED for consideration on ***May 31, 2013***.

(5) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendants, and to the Honorable Robert S. Lasnik.

DATED this 6th day of May, 2013.

James P. Donohue

JAMES P. DONOHUE
United States Magistrate Judge