

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GARY CASTERLOW-BEY,

Plaintiff,

V.

CARUSO, et al.,

## Defendants.

CASE NO. 3:17-cv-05605-RJB-JRC

## ORDER DENYING MOTION FOR OVERLENGTH MOTION

This 42 U.S.C. § 1983 civil rights matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. Before the Court is plaintiff Gary Casterlow-Bey's motion to file overlength motion. Dkt. 64.

Plaintiff styles his motion a “motion to file overlength motion as established in LCR 37(f); continuation of amended complaint ordered by court on 9/1/2017.” Dkt. 64 at 1. There is no local rule entitled “LCR 37(f),” and LCR 37 pertains to discovery disputes and sanctions rather than overlength motions or briefing. However, LCR 7(f) pertains to overlength filings.

1 Therefore, the Court interprets this title to refer to a motion pursuant to LCR 7, rather than LCR  
2 37.

3 Motions seeking approval to file overlength pleadings are generally disfavored. LCR 7(f).  
4 However, the Court may grant one if it is filed no later than three days before the deadline for the  
5 pleading, is specific in the number of additional pages requested, and is no more than two pages  
6 in length. *Id.*

7 Here, it is unclear what plaintiff requests. The body of his pleading is a six page recitation  
8 of alleged unlawful conduct undertaken by defendants more akin to a complaint than a motion.  
9 *See* Dkt. 64 at 1-7. He does not explain how many additional pages he requires nor has he kept  
10 the motion below two pages. Insofar as he brings a motion to file an overlength pleading  
11 pursuant to Local Rule 7(f), plaintiff has not adhered to the requirements of that rule and the  
12 Court therefore denies the motion.

13 Insofar as he requests leave to file an addendum or continuation to the first amended  
14 complaint “ordered by Court on 9/1/2017” (*see* Dkt. 64 at 1), his request is moot. The Court  
15 provided plaintiff until October 2, 2017, to file his first amended complaint. However, since  
16 then, the Court has allowed plaintiff to amend his complaint two additional times. Dkts. 19, 30.  
17 Since his third amended complaint supersedes his second amended, first amended, and original  
18 complaints, attempting to add to his first amended complaint is moot.

19 Finally, insofar as plaintiff is attempting to file an addendum or continuation of his third  
20 amended complaint, plaintiff has done so improperly. As of right, plaintiff may amend his  
21 complaint once up to 21 days after defendants have filed their response. Fed. R. Civ. P. 15(a)(1).  
22 Since he has already done so, now plaintiff “may amend [his] pleading on with . . . the court’s  
23 leave. *Id.* (a)(2). In addition, amended pleadings “must not incorporate by reference any part of  
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1 the preceding pleading . . .” LCR 15. If plaintiff wishes to amend his complaint, he must first  
2 request leave to do so and then file an amended complaint that acts as a complete substitute for  
3 the preceding pleading. Because plaintiff has done neither of these here, the Court also denies his  
4 motion on that ground.

5 For the reasons stated above, the Court denies plaintiff’s motion for an overlength  
6 pleading (Dkt. 64).

7 Dated this 5th day of March, 2018.

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10 J. Richard Creatura  
11 United States Magistrate Judge  
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