UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DARYL ANTHONY HICKS,

Plaintiff,

v.

GOSAI, *et al.*,

Defendants.

Case No. 2:20-cv-02303-JDP (PC)

ORDER GRANTING PLAINTIFF'S MOTION TO AMEND THE COMPLAINT

ECF No. 14

THIRTY-DAY DEADLINE

On June 22, 2021, I screened plaintiff's first amended complaint pursuant to 28 U.S.C. § 1915A. I notified plaintiff that he had adequately alleged an Eighth Amendment claim against defendant Gosai, but that his Sixth Amendment claim was not cognizable. I ordered him to notify the court whether he intended to either proceed only with his Eighth Amendment claim or file a second amended complaint. ECF No. 13. Plaintiff has since filed a document that requests leave to file an "Amendment Brief" to address several issues concerning ongoing harassment. *Id.*

Plaintiff's filing is construed as a motion to amend the complaint, and the motion is granted. Plaintiff is warned that his second amended complaint may only include claims that are related to his Eighth Amendment sexual assault claim against defendant Gosai; unrelated claims against multiple defendants belong in separate suits. Plaintiff is reminded that the amended

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complaint will supersede the current complaint. *See Lacey v. Maricopa County*, 693 F. 3d 896, 907 n.1 (9th Cir. 2012) (en banc). Accordingly, any second amended complaint must be complete on its face without reference to any prior pleading. *See* E.D. Cal. L.R. 220.

Accordingly, it is hereby ORDERED that:

1. Plaintiff's July 9, 2021 filing, ECF No. 14, is construed as a motion to amend the complaint.

2. Plaintiff's motion to amend complaint, ECF No. 14, is granted.

3. Plaintiff shall file a second amended complaint within thirty days of the date of this order.

IT IS SO ORDERED.

Dated: July 21, 2021

JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE