IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DeEARL FOSTER,

Plaintiff,

v.

AIDANA RAMIREZ,

Defendant.

No. 2:24-CV-2036-DJC-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Consistent with the District Judge's October 24, 2025, order, Plaintiff may file a second amended complaint within 30 days of the date of this order. Pending submission of a second amended complaint, the Court's September 18, 2025, order directing service of the first amended complaint by the United States Marshall will be vacated.

Plaintiff is informed that, as a general rule, an amended complaint supersedes the original complaint. See Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992). Therefore, if Plaintiff amends the complaint, the Court cannot refer to the prior pleading in order to make Plaintiff's amended complaint complete. See Local Rule 220. An amended complaint must be complete in itself without reference to any prior pleading. See id.

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If Plaintiff chooses to amend the complaint, Plaintiff must demonstrate how the conditions complained of have resulted in a deprivation of Plaintiff's constitutional rights. See Ellis v. Cassidy, 625 F.2d 227 (9th Cir. 1980). The complaint must allege in specific terms how each named defendant is involved and must set forth some affirmative link or connection between each defendant's actions and the claimed deprivation. See May v. Enomoto, 633 F.2d 164, 167 (9th Cir. 1980); Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978).

Because the first amended complaint appears to otherwise state cognizable claims against Defendant Aldana Ramirez, if no second amended complaint is filed within the time allowed therefor, the Court will issue findings and recommendations that Defendant Sacramento County District Attorney's Office be dismissed, as well as such further orders as are necessary for service of process as to the cognizable claims.

Accordingly, IT IS HEREBY ORDERED as follows:

1. The Court's September 18, 2025, order, ECF No. 18, is vacated.

2. Plaintiff may file a second amended complaint within 30 days of the date of service of this order.

Dated: October 28, 2025

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE