

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 19-cv-02222-GPG

SALVADOR MAGLUTA,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,
FNU TUTTOILMONDO,
FNU McKINNEY,
FNU PARRY,
FNU HOLBROOK,
FNU CARR,
FNU LT. PEREZ,
FNU HARTZ,
FNU SMITH,
FNU BRYSON,
FNU KENT,
FNU SOUN-LIKE DONNCELLI ?,
FNU MARTINEZ, and
JON DO DEFENDANTS 1 . . . ,

Defendants.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE GORDON P. GALLAGHER

On October 21, 2019, Plaintiff submitted a "Motion Requesting the Addition of two Additional Claims and Four New Defendants to 'P' Civil Action," ECF No. 13. Plaintiff also submitted a proposed complaint that includes the named additional defendants and claims asserted against them. See ECF No. 13-1. The pleading, ECF No. 13-1, is not submitted on a proper Court-approved form used in filing prisoner complaints and does not include the claims or named defendants Plaintiff sets forth in the Amended Complaint he filed on September 23, 2019.

An amended complaint supersedes the original complaint it modifies and remains in effect throughout the action unless it subsequently is modified. See *Hooten v. Ikard Servi Gas*, No. 12-2179, 2013 WL 1846840 at *4 (10th Cir. May 3, 2013) (quoting *Giles v. United States*, 906 F.2d 1386, 1389 (10th Cir. 1990)).

Plaintiff, therefore, must submit one complaint on a proper Court-approved form that asserts all claims and names all defendants. The Court will allow Plaintiff thirty days from the date of this Minute Order to submit a Second Amended Prisoner Complaint

that includes all pages of the Court-approved form and includes all claims and named defendants. If Plaintiff fails to comply within thirty days from the date of this Minute Order, the Court will proceed to review the merits of the Complaint filed on September 23, 2019, to the extent the pleading complies with Fed. R. Civ. P. 8. Plaintiff further is instructed that the only proper filing at this time is a Second Amended Prisoner Complaint, no other filings will be considered.

Finally, in light of this Minute Order directing Plaintiff to amend, the Motion for Order, ECF No. 14, Motion to Add, ECF No. 13, and Motion for Reconsideration, ECF No. 12, are denied as unnecessary.

Dated: October 31, 2019