

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

**TONY TREMAYNE LEWIS,**

**Plaintiff,**

**v.**

**CASE NO. 23-3236-JWL**

**JEFF ZMUDA, et al.,**

**Defendants.**

**MEMORANDUM AND ORDER**

Plaintiff brings this pro se civil rights action under 42 U.S.C. § 1983. Plaintiff is incarcerated at the El Dorado Correctional Facility in El Dorado, Kansas. He was granted leave to proceed in forma pauperis.

This matter is before the Court on Plaintiff's Motion to File Second Supplemental Claims (Doc. 15), docketed as a Motion for Leave to Amend Amended Complaint. Plaintiff states that he seeks to make additional claims. He includes three counts that he wants to add to his Complaint.

Rule 15(a)(1) provides that a party may amend its pleading once as a matter of course within 21 days after serving the pleading. Fed. R. Civ. P. 15(a)(1)(A). Plaintiff has already amended his Complaint once (*see* Doc. 7). Moreover, to amend either as a matter of course or with leave of the Court, Plaintiff must file a complete amended complaint on the court-approved forms. An amended complaint is *not simply an addendum to the original complaint* and instead completely supersedes it. Therefore, any claims or allegations not included in the amended complaint are no longer before the Court. It follows that a plaintiff may not simply refer to an earlier pleading, and the amended complaint must contain all allegations and claims that a plaintiff intends to pursue in the action, including those to be retained from the original complaint.

To the extent Plaintiff seeks to amend his Complaint by motion rather than by filing a complete amended complaint, the motion is denied. In addition, Plaintiff's motion and attachments are missing several pages. The motion is denied for that reason as well.

**IT IS THEREFORE ORDERED BY THE COURT** that Plaintiff's Motion to File Second Supplemental Claims (Doc. 15), docketed as a Motion for Leave to Amend Amended Complaint, is **denied**.

The clerk is directed to send § 1983 forms and instructions to Plaintiff.

**IT IS SO ORDERED.**

**DATED: This 11<sup>th</sup> day of March, 2024, at Kansas City, Kansas.**

**S/ John W. Lungstrum**  
**JOHN W. LUNGSTRUM**  
**UNITED STATES DISTRICT JUDGE**