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 [Second] Motion to File Second Supplemental Claims (Doc. 17). Plaintiff states that he seeks to make additional claims. He includes three counts that he wants to add to his Complaint.

As previously explained in the Court's Memorandum and Order of March 11, 2024 (Doc. 16), 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.

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff's Motion to File Second Supplemental Claims (Doc. 17) is **denied**.

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

IT IS SO ORDERED.

DATED: This 26th day of March, 2024, at Kansas City, Kansas.

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