

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

RAYMOND CALHOUN

PRISONER  
CASE NO. 3:10-cv-180 (VLB)

v.

RICHARD BLUMENTHAL, ET AL.

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RULING AND ORDER

Plaintiff, incarcerated and pro se, has filed three motions for leave to amend the complaint. He seeks to add new allegations and exhibits in support of these allegations. Rule 15(a), Fed. R. Civ. P. provides that plaintiff may amend his complaint once as of right before a responsive pleading is filed. Because the defendants have not filed an answer to the complaint, the motions to modify the complaint are granted.

The plaintiff did not submit an amended complaint with any of his motions to modify. Thus, he is directed to file an amended complaint including all claims and requests for relief he seeks to have the court consider and all defendants against whom he seeks relief. See International Controls Corp. v. Vesco, 556 F.2d 665, 668 (2d Cir. 1977), (because amended complaint supersedes original complaint and renders former complaint of no legal effect, amended complaint must contain all claims against defendants and relief requested), cert. denied, 434 U.S. 1014 (1978).

Plaintiff has also filed a motion for default for failure to plead. Because the plaintiff will be filing an amended complaint, the motion for default is denied without prejudice as moot.

### **Conclusion**

The Motions to Modify the Complaint [**docs. ## 6, 7, 8**] are **GRANTED**. The Motion for Default [**doc. # 10**] is **DENIED** without prejudice as moot. **The plaintiff shall file his amended complaint on or before September 7, 2010.** The Clerk shall send the plaintiff an Amended Complaint form with a copy of this ruling.

**SO ORDERED** at Bridgeport, Connecticut this 10<sup>th</sup> day of August, 2010.

/s/ Holly B. Fitzsimmons  
Holly B. Fitzsimmons  
United States Magistrate Judge