

Federal Pro Se Clinic

CENTRAL DISTRICT OF CALIFORNIA: WESTERN DIVISION

□ Guide: How to Amend the Complaint **□**

An amended complaint is a revised version of the original complaint filed by the plaintiff in a case. Amended complaints are governed by Federal Rule of Civil Procedure 15.

You may have a few reasons to amend the complaint:

- To include additional claims, defendants, or requests for relief.
- To correct facts or clear up inadequate claims.
- The Court has ordered you to amend the complaint. This can happen, for example, if the Court grants a motion to dismiss, but allows you to amend the complaint to comply with the Court's order.

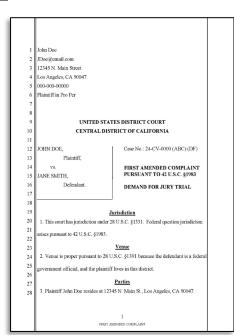
Do You Need the Court's Permission to Amend the Complaint?

Federal Rule of Civil Procedure 15 permits you to amend the complaint once without the Court's permission no later than:

- A. 21 days after serving the original complaint, or
- B. If the complaint is one to which a responsive pleading is required, 21 days after service of a responsive pleading, or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. (An answer is an example of a responsive pleading).

In all other situations, you must seek the Court's permission or obtain the defendant's consent to amend the complaint.

If you need permission to amend the complaint, file a "Motion for Leave to Amend the Complaint." The motion must explain why you need to amend the complaint. Attach a copy of the amended complaint as an exhibit to the motion. *See* Public Counsel's Guide to "How to Submit a Motion" for more information.



Review all orders issued by the Court in your case. The judge in your case may impose a specific deadline to amend the complaint or have other requirements related to amending the complaint.

What Does an Amended Complaint Look Like?

An amended complaint looks like any complaint, except that it is called "amended complaint." It must be complete in itself and should not refer back to your previous complaints. In fact, once you file an amended complaint, it completely replaces your previous complaints. Therefore, your amended complaint should include everything: all of your defendants, all of your claims, and all of the facts to support your case. *See* Public Counsel's guide to "How to Write a Complaint" for more information about preparing a complaint.

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