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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Richard Nolan,

)

No. CV 08-1884-PHX-JAT

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Plaintiff,

)

ORDER

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vs.

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Dirk Kempthorne, Secretary of the
Department of the Interior,

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Defendant.

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Defendant filed a Motion for More Definite Statement on January 20, 2009 (Doc. #9).

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Since then, Plaintiff Nolan has filed an Amended Complaint as a matter of right under

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Federal Rule of Civil Procedure 15(a)(1).¹ Plaintiff's filing of the Amended Complaint

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moots the Motion for More Definite statement.

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Accordingly,

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IT IS HEREBY ORDERED DENYING as moot the Motion for More Definite

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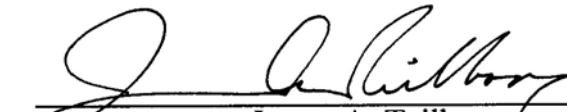
Statement (Doc. #9).

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DATED this 13th day of March, 2009.

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James A. Teilborg
United States District Judge

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¹Federal Rule of Civil Procedure 15(a)(1)(A) allows a party to amend its pleading once as a matter of course before being served with a responsive pleading. A motion for a more definite statement is not a responsive pleading for purposes of Rule 15(a)(1)(A). See *Rick-Mik Enter., Inc. v. Equilon Enter. LLC*, 532 F.3d 963, 977 (9th Cir. 2008).

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