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

MARISSA DEVAULT,
Plaintiff,
vs.
MARICOPA COUNTY, et al.,
Defendants.

No. CV 11-1423-PHX-RCB (MEA)

ORDER

Before the Court is Defendants’ Motion to Dismiss (Doc. 5). The motion will be denied without prejudice to refileing.

Defendants filed their motion on August 8, 2011 (Doc. 5). Plaintiff, however, filed a motion to amend, which was granted on November 7, 2011 (Doc. 26). Consequently, the motion to dismiss relates to the original Complaint, which is no longer the operative pleading in this action. Hal Roach Studios v. Richard Feiner & Co., 896 F.2d 1542, 1546 (9th Cir. 1990) (“an amended pleading supersedes the original”). The Court will therefore deny the motion to dismiss without prejudice to refileing.

IT IS ORDERED withdrawing the reference to the Magistrate Judge as to
...

1 Defendants' Motion to Dismiss (Doc. 5) and it is **denied as moot** without prejudice to
2 refiling.

3 DATED this 7th day of November, 2011.

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7 Robert C. Broomfield
8 Senior United States District Judge
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