

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

PATRICIA JANE EDINGTON

PLAINTIFF

VS.

3:13-CV-00202-BRW

**ALEXANDRA EDINGTON SAMMONS
and NATHAN SAMMONS**

DEFENDANTS

ORDER

Pending is Defendants' Motion to Dismiss (Doc. No. 4). For the reasons given below, the Motion is DENIED as MOOT.

Plaintiff commenced this action in the Circuit Court of Crittenden County, Arkansas.¹ Defendants removed the case to federal court and then filed a Motion to Dismiss the case under Federal Rule of Civil Procedure 12(b)(6).²

The following day Plaintiff filed an Amended Complaint,³ which she could do as a matter of course under Federal Rule of Civil Procedure 15(a)(1) -- rendering her initial Complaint without effect.⁴

Accordingly, Defendants' Motion to Dismiss is DENIED as MOOT.

IT IS SO ORDERED this 13th day of September, 2013.

/s/Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

¹See Doc. No. 1.

²Doc. Nos. 1, 4.

³Doc. No. 8.

⁴See *In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005) ("It is well-established that an amended complaint supercedes an original complaint and renders the original complaint without legal effect.").