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United States District Court
Central District of California

KIM SPANGLER,

Plaintiff,

v.

COUNTY OF VENTURA; WILLIAM SCHNEEKLOTH; and DOES 1–10,

Defendants.

Case № 2:16-cv-09174-ODW (GJS)

ORDER DENYING MOTION TO DISMISS AS MOOT [19]

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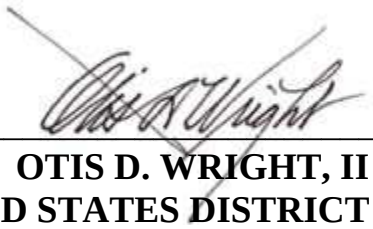
Defendant County of Ventura served Plaintiff Kim Spangler with a Federal Rule of Civil Procedure 12(b)(6) motion to dismiss in this case on April 13, 2017. (ECF No. 19.) Plaintiff filed a first amended complaint on April 27, 2017, fourteen days later. (ECF No. 26.) Rule 15(a)(1) allows Plaintiff to file an amended complaint once as a matter of course within twenty-one days of service with a Rule 12(b) motion. Therefore, Plaintiff's amended complaint was proper. As the pending motion to dismiss was based on a complaint that is no longer operative, the motion is **DENIED** as **MOOT**. *See Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015).

IT IS SO ORDERED.

May 3, 2017



OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE