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**United States District Court
Central District of California**

LAURA E. LANDRY,
Plaintiff,

v.
SELECT PORTFOLIO SERVICING,
INC.; U.S. BANK, N.A.; ALL PERSONS
UNKNOWN CLAIMING ANY LEGAL
OR EQUITABLE RIGHT, TITLE,
ESTATE, LIEN OR INTEREST IN AND
TO THE REAL PROPERTY KNOWN
AS “787-789 ST. LOUIS AVENUE,
LONG BEACH, CA 90804”; and DOES
1–10,
Defendants.

Case № 2:17-cv-02894-ODW (GJS)

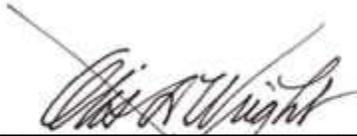
**ORDER DENYING MOTION TO
DISMISS AS MOOT [9]**

Defendants Select Portfolio Servicing, Inc. and U.S. Bank, N.A. served Plaintiff Laura E. Landry with a Federal Rule of Civil Procedure 12(b)(6) motion to dismiss in this case on April 28, 2017. (ECF No. 9.) Landry filed a first amended complaint on May 19, 2017, twenty-one days later. (ECF No. 11.) Rule 15(a)(1) allows a plaintiff

1 to file an amended complaint once as a matter of right within twenty-one days of
2 service with a Rule 12(b) motion. Therefore, Landry's amended complaint was
3 proper. As the pending motion to dismiss was based on a complaint that is no longer
4 operative, the motion is **DENIED** as **MOOT**. *See Ramirez v. Cty. of San Bernardino*,
5 806 F.3d 1002, 1008 (9th Cir. 2015).

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7 **IT IS SO ORDERED.**

8
9 May 30, 2017

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12 **OTIS D. WRIGHT, II**
13 **UNITED STATES DISTRICT JUDGE**