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8 **United States District Court**  
9 **Central District of California**  
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11 RODNEY HERACHIO DIXON,  
12 Plaintiff,

13 v.

14 NPG MUSIC PUBLISHING, LLC; NPG  
15 RECORDS, INC.; COMERICA BANK  
16 AND TRUST N.A.; and DOES 1-10,  
17 Defendants.  
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Case № 5:17-cv-00363-ODW (DTB)

**ORDER DENYING MOTION TO  
DISMISS AS MOOT [13]**

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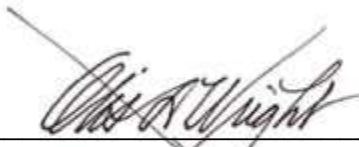
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1 Defendants NPG Publishing LLC and NPG Records Inc. served Plaintiff  
2 Rodney Herachio Dixon with a Federal Rule of Civil Procedure 12(b)(6) motion to  
3 dismiss in this case on March 20, 2017. (ECF No. 13.) Plaintiff filed a first amended  
4 complaint on April 5, 2017, sixteen days later. (ECF No. 26.) Rule 15(a)(1) allows  
5 Plaintiff to file an amended complaint once, as a matter of course, within twenty-one  
6 days of service with a Rule 12(b) motion. Therefore, Plaintiff's amended complaint  
7 was proper. As the pending motion to dismiss was based on a complaint that is no  
8 longer operative, the motion is **DENIED** as **MOOT**. *See Ramirez v. Cty. of San*  
9 *Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015).

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11 **IT IS SO ORDERED.**

12 April 7, 2017

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16 **OTIS D. WRIGHT, II**  
17 **UNITED STATES DISTRICT JUDGE**