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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

STANISLAUS CUSTODIAL DEPUTY
SHERIFFS' ASSOCIATION,

Plaintiff,

vs.

DEPUTY SHERIFF'S ASSOCIATION OF
STANISLAUS COUNTY, and VINCE
BIZZINI,

Defendants.

CASE NO. CV F 09-1988 LJO SMS

**ORDER ON DEFENDANTS' MOTION TO
DISMISS (Doc. 11)**

By notice on December 21, 2009, defendants Deputy Sheriff's Association of Stanislaus County and Vince Bizzini (collectively "defendants") moved to dismiss plaintiff Stanislaus Custodial Deputy Sheriffs' Association's ("plaintiff's") complaint, pursuant to Fed. R. Civ. P. 12(b)(6). In response, plaintiff filed an amended complaint, pursuant to Fed. R. Civ. P. 15(a)(1), on January 14, 2010.

An amended complaint supercedes a previous complaint rendering moot a motion to dismiss the original complaint. *See e.g., Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1991); *Bullen v. De Bretteville*, 239 F.2d 824, 833 (9th Cir. 1956) ("[A]n amended pleading supercedes the original, the latter being treated thereafter as non-existent."). Accordingly, this Court TERMINATES defendants' motion to dismiss and VACATES the February 2, 2010 hearing on the motion.

IT IS SO ORDERED.

Dated: January 15, 2010

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE