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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 ALBERT LEE HOOD,

12 Plaintiff,

13 vs.

14 MARGARET MIMS, et al.,

15 Defendants.  
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1:13-cv-00108-LJO-GSA-PC

ORDER DENYING MOTION TO  
DISMISS AS MOOT  
(Doc. 24.)

17 **I. BACKGROUND**

18 Albert Lee Hood (“Plaintiff”) is a federal prisoner proceeding pro se with this civil  
19 rights action filed pursuant to 42 U.S.C. § 1983. On January 24, 2013, Plaintiff filed the  
20 Complaint commencing this action. (Doc. 1.) The court screened the Complaint and issued an  
21 order on May 8, 2014, requiring Plaintiff to either file an amended complaint or notify the court  
22 of his willingness to proceed only on the Eighth Amendment medical claims found cognizable  
23 against defendants Chuna, Taylor, Wibbles, and Zavala (“Defendants”). (Doc. 9.) On June 30,  
24 2014, Plaintiff notified the court that he wished to proceed only on the cognizable claims.  
25 (Doc. 11.) On September 15, 2014, the court directed the United States Marshal to serve  
26 process upon the Defendants. (Doc. 19.)

27 On November 19, 2014, Defendants filed a motion to dismiss the Complaint for failure  
28 to state a claim. (Doc. 24.) The motion to dismiss is pending.

1 On May 26, 2015, with leave of court, Plaintiff filed the First Amended Complaint.  
2 (Doc. 32.) As a general rule, an amended complaint supersedes the original complaint. See  
3 Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967). Thus, because the First Amended Complaint  
4 has been filed, Plaintiff's original Complaint no longer serves any function in the case.  
5 Therefore, Defendants' motion to dismiss the original Complaint is moot and shall be denied as  
6 such.

7 **II. CONCLUSION**

8 Based on the foregoing, IT IS HEREBY ORDERED that Defendants' motion to  
9 dismiss, filed on November 19, 2014, is DENIED as moot.

10 IT IS SO ORDERED.

11 Dated: May 27, 2015

12 /s/ Gary S. Austin  
13 UNITED STATES MAGISTRATE JUDGE