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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 BINH TRAN,

12 Plaintiff,

13 vs.

14 MAURICE JUNIOUS, et al.,

15 Defendants.
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1:14-cv-01320-GSA-PC

ORDER DENYING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT AS MOOT
(Doc. 11.)

17 Binh Tran ("Plaintiff") is a state prisoner proceeding pro se with this civil rights action
18 pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on August
19 25, 2014. (Doc. 1.) On October 8, 2014, Plaintiff filed the First Amended Complaint. (Doc.
20 7.) On December 11, 2014, Plaintiff filed a motion for summary judgment. (Doc. 11.)

21 On January 28, 2015, the court issued an order dismissing the First Amended Complaint
22 for Plaintiff's failure to state a claim, with leave to amend. (Doc. 12.) On February 17, 2015,
23 Plaintiff filed the Second Amended Complaint, which awaits the court's requisite screening.
24 (Doc. 13.)

25 Given that the Second Amended Complaint supercedes the First Amended Complaint,
26 Lacey v. Maricopa County, 693 F.3d. 896, 907 n.1 (9th Cir. 2012) (en banc), Plaintiff's motion
27 for summary judgment on the claims in the First Amended Complaint is now moot.
28 Accordingly, Plaintiff's motion for summary judgment shall be denied as moot.

1 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion for
2 summary judgment, filed on December 11, 2014, is DENIED as moot.

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4 IT IS SO ORDERED.

5 Dated: February 19, 2015

/s/ Gary S. Austin
6 UNITED STATES MAGISTRATE JUDGE