

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

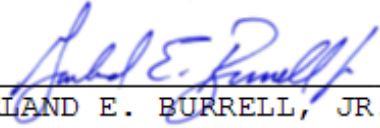
3
4 OSCAR GUZMAN,
5 Plaintiff,
6 v.
7 GRUMA CORP., CHUCK DAWSON,
8 and DOES 1 through 20,
9 inclusive,
10 Defendants.

No. 1:15-cv-00159-GEB-SKO

**ORDER DENYING DEFENDANTS'
MOTIONS TO DISMISS AS MOOT**

11 Defendants filed a joint motion to dismiss all of
12 Plaintiff's claims against Chuck Dawson and Plaintiff's
13 harassment claims against Defendant Gruma Corporation under
14 Federal Rule of Civil Procedure ("Rule") 12(b)(6) on February 4,
15 2015. (ECF No. 9.) On that same day, Defendants filed another
16 motion to dismiss under Rules 12(b)(1) and 12(b)(6). (ECF No.
17 10.) However, Plaintiff filed a timely First Amended Complaint on
18 February 25, 2015, (ECF No. 22), which is now the operative
19 pleading. See Hal Roach Studios, Inc. v. Richard Feiner & Co.,
20 Inc., 896 F.2d 1542, 1546 (9th Cir. 1989) (stating "an amended
21 pleading supersedes the original."). Since the referenced
22 dismissal motions do not address the operative pleading, they are
23 denied as moot.

24 Dated: March 4, 2015

25
26 
27 GARIAND E. BURRELL, JR.
28 Senior United States District Judge