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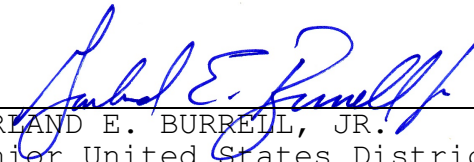
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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|---------------------------------|---|-------------------------------------|
| CRIME, JUSTICE & AMERICA, INC., |) | |
| a California Corporation; and |) | 2:08-cv-00343-GEB-EFB |
| RAY HRDLICKA, an individual, |) | |
| |) | |
| Plaintiffs, |) | <u>ORDER DENYING MOTION FOR</u> |
| |) | <u>ENTRY OF JUDGMENT AND MOTION</u> |
| v. |) | <u>FOR PARTIAL SUMMARY JUDGMENT</u> |
| |) | |
| JERRY W. SMITH, in his official |) | |
| capacity of Sheriff of the |) | |
| County of Butte, California, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

Plaintiffs' motion for entry of judgment, filed on November 2, 2012, (ECF No. 58), and Plaintiffs' motion for partial summary judgment, filed on November 16, 2012, (ECF No. 60), are denied since the motions concern Plaintiffs' Complaint, which is no longer the operative pleading, since Plaintiffs filed a First Amended Complaint on December 18, 2012. See Hal Roach Studios, Inc., v. Richard Feiner & Co., Inc., 896 F.2d 1542, 1546 (9th Cir. 1989) (stating "an amended pleading supersedes the original"); Spokane Cnty. Legal Servs., Inc. v. Legal Servs. Corp., 614 F.2d 662, 666 (9th Cir. 1980) (approving "deni[al of Defendant's] motion for summary judgment on the basis that it was moot" after "the filing of the second amended complaint"); Williams v. Conn.

1 Gen. Life Ins. Co., No. CIV 06-2747 PHX RCB, 2008 WL 4183372, at *2 (D.
2 Ariz. Sept. 10, 2008) (denying as moot summary judgment motion after
3 filing of amended complaint even though there may "be no meaningful
4 distinction between the original and the amended complaint, at least
5 insofar as defendants frame their summary judgment arguments" because
6 "[t]he court is not free to speculate in that regard").

7 Dated: December 21, 2012

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11 GARLAND E. BURRELL, JR.
12 Senior United States District Judge
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