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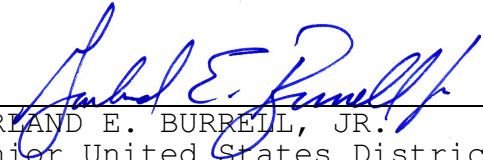
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CRIME, JUSTICE & AMERICA, INC.,)	
a California corporation; and)	2:08-cv-00394-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>
)	
SCOTT JONES, in his official)	
capacity of Sheriff of the)	
County of Sacramento,)	
California,)	
)	
Defendant.)	
_____)	

Plaintiffs' motion for entry of judgment, filed on November 2, 2012, (ECF No. 59), and Plaintiffs' motion for partial summary judgment, filed on November 16, 2012, (ECF No. 61), are denied because the motions concern Plaintiffs' Complaint, which is no longer the operative pleading, since Plaintiffs filed a First Amended Complaint on January 15, 2013. 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" due to "the filing of the second amended complaint"); Williams v. Conn. Gen. Life Ins. Co., No. CIV 06-2747 PHX RCB, 2008 WL 4183372, at *2 (D. Ariz. Sept. 10, 2008)

1 (denying summary judgment motion after filing of amended complaint even
2 though there may "be no meaningful distinction between the original and
3 the amended complaint, at least insofar as defendants frame their
4 summary judgment arguments," because "[t]he court is not free to
5 speculate in that regard").

6 Dated: January 16, 2013

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