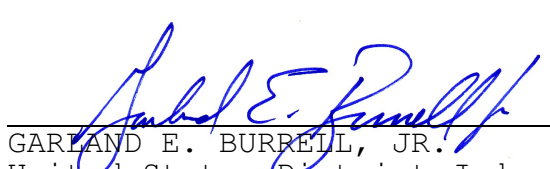


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALEX OGOLENKO and TANYA OGOLENKO,)
)
Plaintiffs,) 2:09-cv-01190-GEB-KJM
)
v.) ORDER
)
EMC MORTGAGE CORPORATION,)
GREENPOINT MORTGAGE FUNDING, INC.,)
CAL-WESTERN RECONVEYANCE)
CORPORATION, MORTGAGE ELECTRONIC)
REGISTRATION SYSTEMS, INC.,)
AMERICAN CAPITAL FINANCIAL)
SERVICES, INC., RODDY WONG, LIDIYA)
SITARUK and DOES 1-20 inclusive,)
)
Defendants.)
_____)

On June 8, 2009, Defendants filed a Motion to Dismiss Plaintiff's Complaint. However, on July 5, 2009, Plaintiff filed a First Amended Complaint, which is now the operative pleading and renders the motion moot. See Hal Roach Studios, Inc. v. Richard Feiner and Co., Inc., 896 F.2d 1542, 1546 (9th Cir. 1989) (stating "an amended pleading supersedes the original" or prior complaint). Therefore, Defendants' motion is denied as moot.

Dated: July 15, 2009



GARLAND E. BURRELL, JR.
United States District Judge