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

DESIREE MURILLO, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CITY OF WOODLAND, RYAN PIERCY, )  
CASEY SULLIVAN, and DOES 1 to 40, )  
Inclusive, )  
 )  
Defendants. )  
\_\_\_\_\_ )

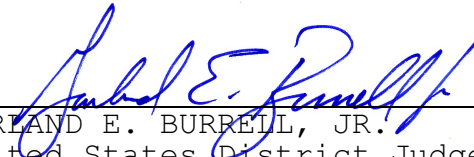
2:09-cv-03117-GEB-GGH  
ORDER DENYING DEFENDANTS'  
MOTION TO DISMISS AS MOOT\*

On December 30, 2009, Defendants filed a motion under Federal Rule of Civil Procedure 12(b)(6) seeking to dismiss certain claims in Plaintiff's complaint. However, on February 11, 2010, the parties filed a joint stipulation in which they stipulate to allowing Plaintiff to file a first amended complaint. Plaintiff then filed a first amended complaint on February 16, 2010, which is now the operative pleading. See Hal Roach Studios, Inc., v. Richard Feiner and Co., Inc., 896 F.2d 1542, 1546 (9th Cir. 1989) (stating an amended complaint supercedes the prior complaint). Since the pending

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\* This matter is deemed to be suitable for decision without oral argument. E.D. Cal. R. 230(g).

1 dismissal motion does not address the operative pleading, it is denied  
2 as moot.

3 Dated: February 18, 2010

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7 GARLAND E. BURRELL, JR.  
8 United States District Judge  
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