

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

UNIVERSAL CASUALTY COMPANY,)

Plaintiff,)

v.)

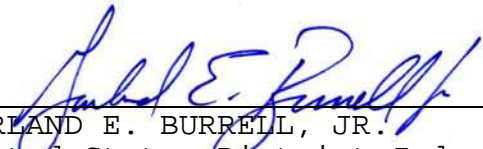
A & H EXPRESS, INC., AMANDEEP)
SANDU, AJMER SINGH, JACKIE)
FLETCHER, CLAYTON BAKER, ROBERT)
NEWCOMER, DENENE DELGADO,)
MICHAEL IRION, ESTATE OF CLAY)
NEWCOMER, ESTATE OF DOTSIE)
IRION, PROGRESSIVE CLASSIC)
INSURANCE COMPANY, NATIONWIDE)
MUTUAL INSURANCE COMPANY, 21ST)
CENTURY INSURANCE COMPANY,)

Defendants.)

2:11-cv-00354-GEB-EFB
ORDER DENYING DISMISSAL
MOTION AS MOOT

On June 30, 2011, Defendant Robert Newcomer filed an unnoticed motion to dismiss Plaintiff's First Amended Complaint. (ECF No. 22.) However, Plaintiff filed a Second Amended Complaint on September 14, 2011, 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 dismissal motion does not address the operative pleading, it is denied as moot.

Dated: March 7, 2012



GARLAND E. BURRELL, JR.
United States District Judge

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