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

Estate of NATHAN PRASAD,)
deceased, by and through MARY)
PRASAD; MARY PRASAD; T.P., a)
minor; and A.P., a minor,)

2:12-cv-00592-GEB-GGH

Plaintiffs,)

ORDER DENYING MOTIONS TO
DISMISS AND STRIKE FIRST
AMENDED COMPLAINT

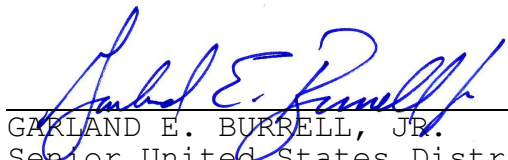
v.)

COUNTY OF SUTTER; J. PAUL)
PARKER, Sutter County Sheriff's)
Department Sheriff; DAVID)
SAMSON, Sutter County Jail)
Division Commander; NORMAN)
BIDWELL, Sutter County Jail)
Corrections Lieutenant; LOU)
ANNE CUMMINGS, Sutter County)
Health Officer; AMERJIT)
BHATTAL, Sutter County)
Assistant Director of Human)
Services - Health Division;)
BRENT GARBETT, Sutter County)
Jail Nurse Program Manager;)
DORIS BROWN, Sutter County Jail)
Advanced Registered Nurse)
Practitioner; MELODY YOUNG,)
Sutter County Jail Licensed)
Vocational Nurse; KIMBERLY)
WEISS, Sutter County Jail)
Licensed Vocational Nurse;)
GURKIRAT BHANGU, Sutter County)
Jail Licensed Vocational Nurse;)
CHRISTINA STOHLMAN, Sutter)
County Jail Correctional)
Officer; LESTER EATON, Sutter)
County Jail Correctional)
Officer; MIGUEL AGUILAR, Sutter)

1 County Jail Deputy Officer;)
2 OLGA TAHARA, Sutter County Jail)
3 Deputy Officer; ROSA DIAZ,)
4 Sutter County Jail Deputy)
5 Officer; ERIC CRAWFORD, Sutter)
6 County Jail Deputy Officer;)
7 BALJINDER RAI, Sutter County)
8 Jail Deputy Officer; SHANE)
9 DICKSON, Sutter County Jail)
10 Deputy Officer; UNKNOWN JAIL)
11 EMPLOYEE I; FREMONT-RIDEOUT)
12 HEALTH GROUP; MICHAEL FRATERS,)
13 D.O.,)
14 Defendants.)

15 The motions filed on May 31, 2012 (ECF Nos. 18 & 19), June
16 4, 2012 (ECF Nos. 21 & 22), and June 15, 2012 (ECF No. 24) are
17 denied since the motions concern Plaintiffs' First Amended Complaint
18 ("FAC"), which is no longer the operative pleading in this action in
19 light of the filing of Plaintiffs' Second Amended Complaint ("SAC")
20 on November 26, 2012. See Hal Roach Studios, Inc., v. Richard Feiner
21 & Co., Inc., 896 F.2d 1542, 1546 (9th Cir. 1989) (stating "an amended
22 pleading supersedes the original"); Jones v. TW & Co., Inc., No.
23 1:11-CV-1242 AWI JLT, 2011 WL 4055721, at *2 (E.D. Cal. Sept. 12,
24 2011) ("With the filing of the [SAC], that complaint will be the
25 active complaint and [Defendants'] motion[s] to dismiss [and strike
26 the FAC] will be moot.").

27 Dated: December 21, 2012

28 

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