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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAUL R. HARO,
Plaintiff,
v.
THERM-X OF CALIFORNIA, INC.,
Defendant.

Case No. [15-cv-02123-JCS](#)

**ORDER DENYING AS MOOT MOTION
TO DISMISS**

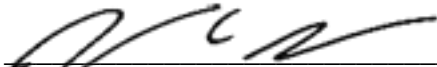
Re: Dkt. No. 12

Defendant Therm-X of California, Inc. (“Therm-X”) moved to dismiss Plaintiff Raul Haro’s Complaint. Mot. to Dismiss (dkt. 12). Haro has since filed a First Amended Complaint (“FAC,” dkt. 14). The Court finds Therm-X’s Motion suitable for disposition without oral argument and **vacates the hearing scheduled for August 28, 2015**. See Civ. L.R. 7-1(b).

“[T]he general rule is that an amended complaint supercedes the original complaint and renders it without legal effect . . .” *Lacey v. Maricopa County*, 693 F.3d 896, 927 (9th Cir. 2012) (en banc). Accordingly, “[d]ismissal of the superseded original complaint would not alter the proceedings . . . as the parties would continue to litigate the merits of the claims contained in the now-operative First Amended Complaint.” See *Liberi v. Defend Our Freedoms Founds., Inc.*, 509 F. App’x 595, 596 (9th Cir. 2013) (dismissing as moot appeal of denial of an anti-SLAPP motion regarding a superseded complaint). The Court therefore DENIES AS MOOT Therm-X’s Motion.¹ If Therm-X wishes to challenge Haro’s FAC, it may file a new motion.

IT IS SO ORDERED.

Dated: July 14, 2015



JOSEPH C. SPERO
Chief Magistrate Judge

¹ The parties have consented to the jurisdiction of the undersigned magistrate judge for all purposes pursuant to 28 U.S.C. § 636(c).