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United States District Court
For the Northern District of California

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

HEATHER MARLOWE,

No. C 16-0076 MMC

Plaintiff,

**ORDER DENYING AS MOOT
DEFENDANTS' MOTION TO DISMISS**

v.

CITY AND COUNTY OF SAN FRANCISCO,
et al.,

Defendants.

_____ /

Before the Court is defendants' "Motion to Dismiss Plaintiff's Complaint," filed July 14, 2016, by which defendants seek dismissal pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. On August 4, 2016, plaintiff filed an Amended Complaint ("AC").¹

A party may amend a pleading "once as a matter of course within . . . 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." See Fed. R. Civ. P. 15(a)(1). "[A]n amended pleading supersedes the original, the latter being treated thereafter as non-existent." Bullen v. De Bretteville, 239 F.2d 824, 833 (9th Cir. 1956), cert. denied, 353 U.S. 947 (1957).


¹Plaintiff failed to provide the Court with a chambers copy of her AC. Nonetheless, the Court has considered it. For future reference, plaintiff is reminded that, pursuant to Civil Local Rule 5-1(e)(7) and the Court's Standing Orders, parties are required to provide for use in chambers one paper copy of each document that is filed electronically.

1 In the instant case, plaintiff filed her AC within 21 days after service of defendants'
2 motion to dismiss, and, consequently, was entitled to amend as of right. See Fed. R. Civ.
3 P. 15(a)(1).

4 Accordingly, the Court hereby DENIES as moot defendants' motion to dismiss the
5 initial complaint.

6 **IT IS SO ORDERED.**

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8 Dated: August 16, 2016

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10 MAXINE M. CHESNEY
11 United States District Judge
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