

United States District Court
For the Northern District of California

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

OLANAPO AD OLAJIDE,

No. C 16-4472 MMC

Plaintiff,

**ORDER DENYING AS MOOT
DEFENDANTS' MOTIONS TO DISMISS;
VACATING HEARING**

v.

FEDERAL RESERVE BANK OF SAN
FRANCISCO, et al.,

Defendants.

_____ /

Before the Court are two motions: (1) defendant Bank of America, N.A.'s "Motion to Dismiss Plaintiff's Complaint or for a More Definite Statement," filed September 12, 2016; and (2) defendant Compass Bank's "Motion to Dismiss Plaintiff's Complaint or for a More Definite Statement," filed September 14, 2016. On September 21, 2016, plaintiff Olanapo Ad Olajide filed an amended complaint, titled "Civil Action at Common Law for Account Render and Declaratory Relief."

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).


In the instant case, plaintiff filed his amended complaint within 21 days after service of the above-referenced defendants' motions to dismiss, and, consequently, was entitled to amend as of right. See Fed. R. Civ. P. 15(a)(1).

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Accordingly, the Court hereby DENIES as moot defendants' motions to dismiss the initial complaint, and VACATES the hearing scheduled for October 21, 2016.

IT IS SO ORDERED.

Dated: October 5, 2016


MAXINE M. CHESNEY
United States District Judge