

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHEN CHARLES VALDEZ,
Plaintiff,
v.
NADERI SALAR, et al.,
Defendants.

Case No. [24-cv-01087-TSH](#)

**ORDER FINDING AS MOOT MOTION
TO DISMISS**

Re: Dkt. No. 22

Pending before the Court is the motion to dismiss filed by Defendants Salar Naderi and Marc Jimenez, filed on May 1, 2024. ECF No. 22. However, on May 30, 2024, Plaintiff Stephen Charles Valdez filed an amended complaint. ECF No. 29. Under Federal Rule of Civil Procedure 15(a)(1), a party “may amend its pleading once as a matter of course” within 21 days after that pleading is served, or within 21 days after service of a responsive pleading or motion under Rule 12.¹ “[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). Thus, as there has been no previous amendment, Plaintiff may file an amended complaint as a matter of course under Rule 15(a). Accordingly, the Clerk of Court shall terminate the pending motion to dismiss as moot. Defendants shall respond in compliance with Rule 15(a)(3).

IT IS SO ORDERED.

Dated: June 6, 2024


THOMAS S. HIXSON
United States Magistrate Judge

¹ On May 6, 2024, the Court extended the deadline for Plaintiff to file an opposition or amended complaint to June 3, 2024. ECF No. 28