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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 CARMEN SOSA PANTOJA,

12 Plaintiff,

13 vs.

14 MYLOR FINANCIAL GROUP, INC., et al.,

15 Defendants.
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CASE NO. 10CV409DMS (BLM)

**ORDER DENYING MOTION TO
DISMISS AS MOOT**

17 Presently before the Court is a motion to dismiss filed by Defendants Bank of America
18 Corporation and Bank of America Home Loans Servicing, LLP. (Doc. 5.) Instead of opposing,
19 Plaintiffs have filed a First Amended Complaint. A party is entitled to amend pleadings once “as a
20 matter of course” at any time before a responsive pleading is served. Fed. R. Civ. P. 15(a); *see Shaver*
21 *v. Operating Eng'rs Local 428 Pension Trust Fund*, 332 F.3d 1198, 1201 (9th Cir. 2003) (motion to
22 dismiss is not a responsive pleading). Because Plaintiffs’ amended pleading supersedes the original
23 complaint, the original is no longer operative. *Bullen v. De Bretteville*, 239 F.2d 824, 833 (9th Cir.
24 1956). Defendant’s motion is therefore denied as moot.

25 **IT IS SO ORDERED.**

26 DATED: March 30, 2010
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HON. DANA M. SABRAW
United States District Judge