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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ERNESTO AMBRIZ,)	Civil No. 10cv460 L(WMc)
)	
Plaintiff,)	ORDER DENYING AS MOOT
)	MOTION TO STRIKE AND TO
v.)	DISMISS [doc. nos. 6, 9]
)	
ACCREDITED HOME LENDERS, INC.,)	
<i>et al.</i> ,)	
)	
Defendants.)	
_____)	

On May 28, 2010, defendants Vericrest Financial, Inc. fka The CIT Group and The Bank of New York Melon fka The Bank of New York filed a motion to strike portions of plaintiff's complaint, and on June 2, 2010, these defendants filed a motion to dismiss the complaint. Rather than respond to defendants' motions, plaintiff filed an amended complaint on June 17, 2010.

An amended complaint supersedes a prior complaint as a pleading. *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997); *Hal Roach Studios, Inc. v. Richard Feiner & Co.*, 896 F.2d 1542, 1546 (9th Cir. 1990). Accordingly, when a plaintiff elects to file an amended complaint in conformity with Federal Rule of Civil Procedure 15(a), a district court may treat an existing motion to dismiss as moot.

Based on the foregoing, the Court **DENIES AS MOOT** defendants' motions to strike portions of the complaint [doc. #6] and to dismiss the complaint [doc. #9]. Defendants' motions

1 to dismiss the first amended complaint [doc. # 13] and to expunge lis pendens [doc. #14] remain
2 set for hearing on August 23, 2010.

3 **IT IS SO ORDERED.**

4 DATED: July 6, 2010

5 
6 M. James Lorenz
United States District Court Judge

7 COPY TO:

8 HON. WILLIAM MCCURINE, JR.
9 UNITED STATES MAGISTRATE JUDGE

10 ALL PARTIES/COUNSEL

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