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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 ESTATE OF GERARDO CRUZ-
12 SANCHEZ, by and through his successor-
13 in-interest Paula Garcia Rivera; and
14 PAULA GARCIA RIVERA, individually
15 and in her capacity as successor-in-
16 interest,

17 Plaintiffs,

18 v.

19 UNITED STATES OF AMERICA;
20 CORECIVIC, INC. formerly known as
21 Corrections Corporation of America
(CCA); C.O. LANDIN, in his individual
22 capacity; and DOES 1-30, inclusive,

23 Defendants.

Case No.: 3:17-cv-00569-BEN-NLS

**ORDER DENYING MOTION TO
DISMISS AS MOOT**

[ECF No. 7]


24 The United States filed a motion to dismiss the Amended Complaint. (ECF No. 7).
25 Subsequently, this Court granted Plaintiffs leave to file their Second Amended Complaint
(ECF No. 40), and Plaintiffs so filed the Second Amended Complaint (ECF No. 41).

26 The filing of a second amended complaint supersedes the amended complaint and
27 renders it a nullity. Therefore, a motion to dismiss targeted at the amended complaint,
28 which is no longer in effect, is moot. *Ramirez v. Cnty. of San Bernardino*, 806 F.3d

1 1002, 1008 (9th Cir. 2015). Accordingly, the United States' motion is **DENIED** as
2 **moot.** (ECF No. 7).

3 **IT IS SO ORDERED.**

4 Dated: October 10, 2017

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6 Hon. Roger T. Benitez
7 United States District Judge
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