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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ARTHUR PADILLA, Plaintiffs, v. UNITED STATES OF AMERICA, et al., Defendants.	
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Case No.: 17-CV-1182 W (NLS)

**ORDER DENYING DEFENDANTS’
MOTION TO DISMISS AS MOOT
[DOC. 4]**

On September 29, 2017, Defendant filed a motion to dismiss. [Doc. 4.] 19 days later, on October 18, 2017, Plaintiffs filed a First Amended Complaint (“FAC”). [Doc. 5.]

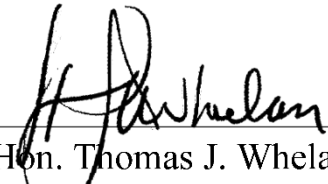
A party may amend a complaint within 21 days of service of a responsive pleading. See Fed. R. Civ. P. 15(a)(1)(B). “It is well-established in our circuit that an ‘amended complaint supersedes the original, the latter being treated thereafter as non-existent.’” Ramirez v. Cty. of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015) (quoting Forsyth v. Humana, Inc., 114 F.3d 1467, 1474 (9th Cir. 1997)). Accordingly, when a plaintiff timely amends, the original complaint ceases to exist, and any pending motions to dismiss it are moot. See id.

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1 In light of the filing of the FAC, the Court denies Defendants' motion [Doc. 4] as
2 moot.

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4 **IT IS SO ORDERED.**

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6 Dated: December 1, 2017

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8 Hon. Thomas J. Whelan
9 United States District Judge

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