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

JAIME REYES,

Plaintiff,

v.

SNOOZETOWN, LLC doing business as
SNOOZE AN A.M. EATERY also known
as SNOOZE DEL MAR; DEL MAR
HIGHLANDS TOWN CENTER
ASSOCIATES II, LLC; and DOES 1-10,
Inclusive,

Defendants.

Case No.: 3:18-cv-00498-H-JLB

ORDER:

**(1) DENYING AS MOOT
DEFENDANTS’ MOTION TO
DISMISS**

[Doc. No. 7]

**(2) VACATING MOTION HEARING
DATE**


On March 7, 2018, Plaintiff Jaime Reyes (“Plaintiff”), represented by counsel, filed a complaint against Defendant Snoozetown, LLC doing business as Snooze an A.M. Eatery also known as Snooze Del Mar, and Defendant Del Mar Highlands Town Center Associates II, LLC (collectively, “Defendants”), alleging violations of the Americans with Disabilities Act and California state law. (Doc. No. 1.) Plaintiff also filed a motion for leave to proceed in forma pauperis, which the Court granted on March 12, 2018. (Doc. Nos. 2, 4.)

1 On May 3, 2018, Defendants filed a motion to dismiss, which is set for a hearing on
2 June 11, 2018. (Doc. No. 7.) Rather than oppose Defendants' motion, Plaintiff filed an
3 amended Complaint on May 16, 2018. (Doc. No. 7.) See Fed. R. Civ. P. 15(a)(1)(B)
4 (permitting plaintiffs to file an amended complaint as a matter of right within "21 days
5 after the service of a motion under Rule 12(b)").

6 Because Plaintiff's Amended Complaint supersedes his original complaint, the
7 Court **DENIES AS MOOT** Defendants' motion to dismiss the original complaint. See
8 Ramirez v. County of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015). The Court
9 directs the Clerk to **VACATE** the hearing on Defendants' motion, currently scheduled for
10 June 11, 2018. Defendants shall file any response to the Amended Complaint on or before
11 **May 30, 2018**. See Fed. R. Civ. P. 15(a)(3).

12 **IT IS SO ORDERED.**

13 DATED: May 17, 2018

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15 MARILYN L. HUFF, District Judge
16 UNITED STATES DISTRICT COURT
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