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

NATIONAL FUNDING, INC.,  
Plaintiff,  
v.  
WEBB FOOT & ANKLE CLINIC, PC,  
Defendant.

Case No.: 18-CV-1338 W (WVG)

**ORDER DENYING DEFENDANT’S  
MOTION TO DISMISS AS MOOT  
[DOC. 3]**

On June 25, 2018, Defendant filed a motion to dismiss. [Doc. 3.] 11 days later, on July 6, 2018, Plaintiff filed a First Amended Complaint (“FAC”). [Doc. 4.]

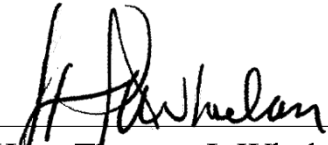
A party may amend a complaint within 21 days of service of a responsive pleading. See Fed. R. Civ. P. 15(a)(1)(B). “It is well-established in our circuit that an ‘amended complaint supersedes the original, the latter being treated thereafter as non-existent.’ ” Ramirez v. Cty. of San Bernardino, 806 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 Defendant's motion [Doc. 3] as  
2 moot.

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4 **IT IS SO ORDERED.**

5 Dated: July 9, 2018

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

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