

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Case No. 09-cv-01103-REB-BNB

KENNETH WARE,

Plaintiff,

v.

DENVER HEALTH, d/b/a DENVER CARES,

Defendant.

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**ORDER DENYING MOTION TO DISMISS AS MOOT**

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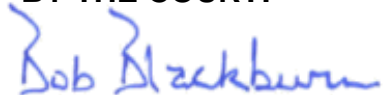
**Blackburn, J.**

The matter before me is **Defendant's Motion To Dismiss** [#8] filed June 16, 2009. After the motion was filed, plaintiff sought and was granted leave to file an amended complaint. (**See Motion for Leave To Filed Amended Complaint** [#9] filed June 30, 2009; **Minute Order** [#20] entered July 10, 2009.) The filing of the Amended Complaint [#21] on July 10, 2009, moots consideration of the motion to dismiss the now-superseded pleading, and, indeed, defendant now has moved to dismiss the Amended Complaint. (**See Denver Health's Motion To Dismiss as to Amended Complaint** [#23] filed July 20, 2009.)

**THEREFORE IT IS ORDERED** that **Defendant's Motion To Dismiss** [#8] filed June 16, 2009, is **DENIED AS MOOT**.

Dated July 27, 2009, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge