

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Case No. 09-cv-01296-PAB-MEH

PAMELA BUTLER,

Plaintiff,

v.

CITY OF COLORADO SPRINGS, a body corporate and politic, and  
STEVEN COX, in his individual capacity,

Defendants.

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**MINUTE ORDER**

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**Entered by Judge Philip A. Brimmer**

This matter is before the Court on the Motion to Dismiss [Docket No. 8]. On July 29, 2009, plaintiff filed the First Amended Complaint [Docket No. 15] as a matter of course under Fed. R. Civ. P. 15(a)(1). Thus, the First Amended Complaint became the operative pleading in this action, and the Motion to Dismiss [Docket No. 8] is directed to an inoperative, superseded pleading. *See, e.g., Gilles v. United States*, 906 F.2d 1386, 1389 (10th Cir. 1990) (“a pleading that has been amended under Rule 15(a) supersedes the pleading it modifies”) (internal quotation marks omitted). As such, the motion to dismiss is moot. It is

ORDERED that the Motion to Dismiss [Docket No. 8] is DENIED as moot.

DATED August 4, 2009.