

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer**

Civil Case No. 09-cv-01646-PAB-MJW

GEORGE SISNEROS,

Plaintiff,

v.

COUNTY OF PUEBLO, et al.,

Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on defendant County of Pueblo's Motion to Dismiss [Docket No. 53] and defendants City of Pueblo and Pueblo Police Department's Motion to Dismiss Pueblo Police Department [Docket No. 86]. On December 30, 2009, plaintiff filed the Third Amended Complaint [Docket No. 94] pursuant to the Minute Order [Docket No. 92] granting plaintiff's Motion to Amend Complaint [Docket No. 90]. Thus, the Third Amended Complaint became the operative pleading in this action, and the motions to dismiss [Docket Nos. 53 and 86] are directed to an inoperative, superseded pleading.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 motions to dismiss are moot. It is

ORDERED that defendant County of Pueblo's Motion to Dismiss [Docket No. 53] and defendants City of Pueblo and Pueblo Police Department's Motion to Dismiss Pueblo Police Department [Docket No. 86] are DENIED as moot.

DATED January 22, 2009.