

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

Civil Case No. 09-cv-01913-REB-KLM

RONALD STRICH,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,
THE UNITED STATES DEPARTMENT OF THE INTERIOR,
THE UNITED STATES DEPARTMENT OF AGRICULTURE,
CARL SCHAEFER, individually and in his official capacity as a Lake County Colorado
Commissioner,
MICHAEL BORDOGNA, individually and in his official capacity as a Lake County
Colorado Commissioner,
KENNETH OLSEN, individually and in his official capacity as a Lake County Colorado
Commissioner,
MICHAEL HICKMAN, individually and in his official capacity as a former Lake County
Colorado Commissioner, and
ANY AND ALL UN KNOWN PERSONS WHO CLAIM AN INTEREST IN THE SUBJECT
MATTER OF THIS ACTION,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE
AS MOOT DEFENDANTS' MOTION TO DISMISS**

Blackburn, J.


The matter before me is defendants' **Motion To Dismiss** [#27] filed September 25, 2009. The motion is ripe for determination. Nevertheless, on January 5, 2010, plaintiff sought leave to amend his complaint, and defendants did not object to that request. (**See Plaintiff's Refiled Motion To Amend Complaint** [#65] filed January 5, 2010.) Accordingly, the magistrate judge granted the motion to amend, and the First Amended Complaint has been accepted for filing. (**See Minute Order** [#67] filed

January 7, 2010; **First Amended Complaint** [#68] filed January 7, 2010.) The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded. *See Griggs v. Jornayvaz*, 2009 WL 1464408 at *1 (D. Colo. May 22, 2009); *United States ex rel. Babb v. Northrop Grumman Corp.*, 2007 WL 1793795 at *1 (D. Colo. June 19, 2007).

THEREFORE, IT IS ORDERED that defendants' **Motion To Dismiss** [#27] filed September 25, 2009, is **DENIED WITHOUT PREJUDICE AS MOOT**

Dated January 11, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge