

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

Civil Action No. 10-cv-00497-PAB-KLM

BERNARD COWSERT,

Plaintiff,

v.

GLOBAL CREDIT & COLLECTION CORPORATION, a Delaware corporation,

Defendant.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on defendant's motions to dismiss [Docket Nos. 9 and 12]. On April 9, 2010, plaintiff filed an Amended Complaint [Docket No. 13] as a matter of course under Fed. R. Civ. P. 15(a)(1). Thus, the Amended Complaint became the operative pleading in this action, and the motions to dismiss [Docket Nos. 9 and 12] are directed to an inoperative, superseded pleading.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's motions to dismiss [Docket Nos. 9 and 12] are DENIED as moot.

DATED April 12, 2010.