

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00303-PAB-MEH

ST. PAUL SOBER LIVING, LLC,
CHRIS EDRINGTON,
DONALD EDRINGTON,
ADAM TIPTON, and
ALEX COLINS,

Plaintiffs,

v.

BOARD OF COUNTY COMMISSIONERS, GARFIELD COUNTY, STATE OF
COLORADO, a political subdivision of the State of Colorado, and
SPRING VALLEY SANITATION DISTRICT, a Colorado metropolitan district,

Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on defendant Board of County Commissioners of Garfield County's Motion to Dismiss [Docket No. 9]. On June 15, 2011, plaintiff filed a First Amended Complaint [Docket No. 21] pursuant to the Minute Order [Docket No. 20] granting plaintiffs' Motion for Leave to File an Amended Complaint [Docket No. 18]. Thus, the First Amended Complaint became the operative pleading in this action, and the Motion to Dismiss [Docket No. 9] is directed to an inoperative, superseded pleading.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 defendant Board of County Commissioners of Garfield County's Motion to Dismiss [Docket No. 9] is DENIED as moot.

DATED June 30, 2011.