

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 11-cv-00838-WJM-KLM

OSVALDO BARRIENTOS-SANABRIA,

Plaintiff,

v.

LAKE COUNTY, COLORADO, a Municipality,
EDWARD HOLTE,
ROD FENSKE
ANTHONIO LOBATO, and
AARON D'MIZE

Defendants.

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

This matter is before the Court on Defendants' Motion to Dismiss, ECF No. 7, filed on May 31, 2011. On June 2, 2011, Plaintiff filed an Amended Complaint, ECF No. 8, which is now the operative complaint in this case.

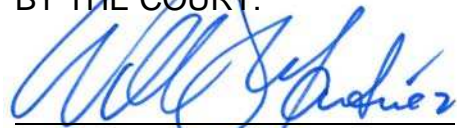
The filing of an amended complaint moots a previously-filed motion to dismiss. *See, e.g., Strich v. United States*, No. 09-cv-01913-REB-KLM, 2010 WL 148269, at *1 (D. Colo. Jan. 11, 2010) (unpublished) ("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded." (citations omitted)); *AJB Props., Ltd. v. Zarda Bar-B-Q of Lenexa, LLC*, No. 09-2021-JWL, 2009 WL 1140185, at *1 (D. Kan. April 28, 2009) (unreported decision) (finding that an amended complaint superseded the original complaint, and, accordingly,

denying "defendant's motion to dismiss the original complaint . . . as moot"); *Gottfredson v. Larsen LP*, 432 F. Supp. 2d 1163, 1172 (D. Colo. 2006) (stating that defendants' motions to dismiss are "technically moot because they are directed at a pleading that is no longer operative").

Therefore, it is ORDERED that Defendants' Motion to Dismiss, ECF No. 7, is DENIED without prejudice as MOOT.

Dated this 13th day of July, 2011.

BY THE COURT:



William J. Martinez
United States District Judge