

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

Civil Case No. 11-cv-00967-REB-KMT

TIMOTHY JOHN KENNEDY,

Plaintiff,

v.

MARK A. FINLEY,
ERNEST ROGER PEELE,
SHERIFF JOHN WESLEY ANDERSON,
EL PASO COUNTY SHERIFF'S OFFICE, and
UNITED STATES OF AMERICA,

Defendants.

ORDER DENYING AS MOOT MOTIONS TO DISMISS

Blackburn, J.

The matters before me are (1) the **Motion To Dismiss by Defendant Peele** [#19]¹ filed August 15, 2011; and (2) the **Motion To Dismiss by Defendant United States of America** [#20] filed August 19, 2011. Shortly after the motions were filed, and prior to the time responses were due, plaintiff filed his **Plaintiff's First Amended Complaint and Jury Demand** [#21] on August 30, 2011. **See FED. R. CIV. P. 15(a)(1)(B).**

The filing of an amended complaint moots a motion to dismiss directed at the superceded complaint. **See *Griggs v. Jornayvaz***, 2009 WL 1464408 at *1 (D. Colo.

¹ “[#27]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order

May 22, 2009); **United States ex rel. Babb v. Northrop Grumman Corp.**, 2007 WL 1793795 at *1 (D. Colo. June 19, 2007). Thus, the motions to dismiss are moot and will be denied without prejudice on that basis.

THEREFORE, IT IS ORDERED as follows:

1. That the **Motion To Dismiss by Defendant Peele** [#19] filed August 15, 2011, is **DENIED WITHOUT PREJUDICE** as moot; and
2. That **Motion To Dismiss by Defendant United States of America** [#20] filed August 19, 2011, is **DENIED WITHOUT PREJUDICE** as moot.

Dated August 31, 2011, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge