

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01268-WYD-MEH

GEORGE FARMER (a/k/a George L. Farmer),

Plaintiff,

v.

BANCO POPULAR OF NORTH AMERICA, and
JOHN DOES 1-100,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on October 5, 2011.

In the interest of justice, Plaintiff's Unopposed Motion for Leave to File an Amended Complaint Pursuant to Federal Rule of Civil Procedure 15(a)(2) [filed October 4, 2011; docket #49] is **granted**. The Court accepts as filed the Amended Complaint tendered by the Plaintiff on September 30, 2011 (docket #44). Defendant Banco Popular shall respond to the Amended Complaint in accordance with Fed. R. Civ. P. 15(a).

In addition, **on or before October 14, 2011**, Defendant Banco Popular shall inform the Court in writing of its position concerning whether its Motion to Dismiss, filed June 30, 2011 (docket #21), should be denied as moot. *See Franklin v. Kansas Dep't of Corr.*, 160 F. App'x 730, 734 (10th Cir. 2005) ("An amended complaint supersedes the original complaint and renders the original complaint of no legal effect.") (citing *Miller v. Glanz*, 948 F. 2d 1562, 1565 (10th Cir. 1991)).