

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 11, 2011.

In light of this Court's October 5, 2011 order accepting the Amended Complaint as filed and Defendant Banco Popular's notice informing the Court that it concurs its original Motion to Dismiss should be denied as moot, the Defendant Banco Popular's Motion to Dismiss Pursuant to Fed. R. Civ. P. 9(b), 12(b)(6) and 17(a) [filed June 30, 2011; docket #21] is **denied without prejudice** 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)). As set forth in this Court's October 5, 2011 order, Defendant Banco Popular shall respond to the Amended Complaint in accordance with Fed. R. Civ. P. 15(a).