

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01649-MEH-BNB

ROSE A. SANTISTEVAN,

Plaintiffs,

v.

CITY OF COLORADO SPRINGS, a municipality;  
RICHARD MYERS, in his official capacity as Colorado Springs Chief of Police;  
JIMMY RODGERS, in his official and individual capacity;  
PHIL GURNETT, in his individual capacity;  
JACKSON ANDREWS, in his official and individual capacity;  
KEN MOORE, in his individual capacity;  
BRIAN MATTISON, in his individual capacity;  
OWEN MCCORMACK, in his individual capacity;  
JEFFERY KRAMMER, in his individual capacity;  
SCOTT ROBBLEE, in his individual capacity;  
JOHN DAVID, in his individual capacity;  
JASON HESS, in his individual capacity;  
MICHAEL SHALLER, in his individual capacity;  
KIMBLE GINGRICH, in his individual capacity; and  
OTHER UNKNOWN AGENTS OF THE COLORADO SPRINGS POLICE DEPARTMENT, in  
their official and personal capacities,

Defendants.

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MINUTE ORDER

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**Entered by Michael E. Hegarty, United States Magistrate Judge, on January 31, 2012.**

In light of the filing of the Second Amended Complaint in this matter on January 27, 2012, the Motion to Dismiss filed by Defendants El Paso County Sheriff's Department, Phil Gurnett, and Terry Maketa [[filed October 13, 2011; docket #74](#)] is **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)). Defendants shall respond to the Second Amended Complaint in accordance with Fed. R. Civ. P. 15(a).