

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;  
EL PASO COUNTY, a municipality;  
RICHARD MYERS, in his official capacity as Colorado Springs Chief of Police;  
TERRY MAKETA, in his official capacity as Sheriff of El Paso County;  
RICK MILLWRIGHT, in his official and individual capacity;  
PHIL GURNETT, in his official and individual capacity;  
JACKSON ANDREWS, in his official and individual capacity; and  
OTHER UNKNOWN AGENTS OF THE COLORADO SPRINGS POLICE DEPARTMENT AND  
THE EL PASO COUNTY SHERIFF'S OFFICE, in their official and personal capacities,

Defendants.

---

**MINUTE ORDER**

---

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

In light of the Amended Complaint filed in this matter on September 13, 2011, the Motion to Dismiss filed by Defendants City of Colorado Springs, Colorado Springs Police Department and Rick Millwright [[filed July 28, 2011; docket #27](#)] and the Motion to Dismiss Complaint Pursuant to 12(b)(1) and 12(b)(6) filed by Defendants El Paso County Sheriff's Department and Phil Gurnett [[filed July 28, 2011; docket #28](#)] are **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)).