

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01847-PAB-CBS

TIMOTHY JONES

Plaintiff,

v.

HARTSEL FIRE PROTECTION DISTRICT, a Colorado quasi-municipal organization,
its board of directors,
HERBERT M. BURTON, in his official capacity,
SUSAN E. JONES, in her official capacity,
LINDA S. BJORKLUND, in her official capacity,
JEFFREY O. WINTER, in his official capacity,
WILLIAM H. SCHWARTZKOPF, in his official capacity, and
JACK ALBERT HUTCHESON, Jr., Fire Chief, Hartsel Fire Protection District,
in his individual capacity,

Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on defendant Jack A. Hutcheson, Jr.'s Motion to Dismiss [Docket No. 12] and defendants Hartsel Fire Protection District, Herbert M. Burton, Susan E. Jones, Linda S. Bjorklund and Jeffrey O. Winter's Motion to Dismiss [Docket No. 14]. On October 4, 2011, plaintiff filed an Amended Complaint [Docket No. 18] as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1). Thus, the Amended Complaint became the operative pleading in this action, and the Motions to Dismiss [Docket Nos. 12 and 14] are directed to an inoperative, superseded pleading. See, e.g., *Gilles v. United States*, 906 F.2d 1386, 1389 (10th Cir. 1990) ("a pleading that has been amended under Rule 15(a) supersedes the pleading it modifies") (internal quotation marks omitted). As such, the motions to dismiss are moot. It is

ORDERED that defendants' Motions to Dismiss [Docket Nos. 12 and 14] are DENIED as moot.

DATED October 5, 2011.