

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-03108-WJM-MEH

JOHN HUTCHINSON,

Plaintiff,

v.

SGT. HOULE, at Buena Vista Minimum Center,

Defendant.

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MINUTE ORDER

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**Entered by Michael E. Hegarty, United States Magistrate Judge, on June 25, 2012.**

Before the Court is Defendant's Motion to Dismiss [filed April 17, 2012; docket #19]. On June 13, 2012, in accordance with this Court's June 12, 2012 order (docket #30), the Plaintiff filed an Amended Complaint. Because the amended pleading supercedes the Plaintiff's original Complaint, the Defendant's motion 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)).

Defendant shall file an answer or other response to the Amended Complaint **on or before July 2, 2012**.