

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00653-MSK-MEH

PATRICIA PEREZ, an individual, on behalf of herself and others similarly situated,

Plaintiff,

v.

PINON MANAGEMENT, INC.,
PONDEROSA CARE COMMUNITIES A LCC,
NORTH STAR COMMUNITY, and
DOES 1 through 10,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on May 2, 2012.

Pending before the Court is Defendants' Motion to Dismiss [[filed April 9, 2012; docket #11](#)]. The matter has been referred to the Court for disposition. (Docket #15.) Pursuant to Fed. R. Civ. P. 15(a)(1)(B), Plaintiff filed her first Amended Complaint "as a matter of course" exactly 21 days after she received service of Defendants' Motion to Dismiss. (Docket #16.) Therefore, Defendants' Motion to Dismiss [[filed April 9, 2012; docket #11](#)] 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)).