

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01326-KLM

JAMES SARDAKOWSKI,

Plaintiff,

v.

TOM CLEMENTS, in his individual capacity,
TRAVIS TRANI, in his individual capacity, and
KAVIN SNYDER, in his individual capacity,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion for Temporary Restraining Order** [Docket No. 1; Filed May 21, 2012], filed as part of Plaintiff's original Complaint; on Defendant's **Motion to Dismiss** [Docket No. 17; Filed July 9, 2012]; and on Plaintiff's **Motion for Leave to File Amended Complaint** [Docket No. 48; Filed October 25, 2012] (the "Motion to Amend"). Defendants initially stated their opposition to the Motion to Amend, but in their Response [#60] they withdraw their objections. Accordingly, pursuant to Fed. R. Civ. P. 15(a)(2),

IT IS HEREBY **ORDERED** that the Motion to Amend [#48] is **GRANTED**.

IT IS FURTHER **ORDERED** that the Clerk of the Court shall accept Plaintiff's Amended Complaint [#48-1] for filing as of the date of this Minute Order.

IT IS FURTHER **ORDERED** that the Motion for Temporary Restraining Order [#1] is **DENIED without prejudice**.¹ *AJB Props., Ltd. v. Zarda Bar-B-Q of Lenexa, LLC*, No. 09-2021-JWL, 2009 WL 1140185, at *1 (D. Kan. Apr. 28, 2009) (finding that amended complaint supersedes original complaint).

¹ The Court construed Plaintiffs original Complaint [#1], which he filed as a *pro se* litigant before obtaining counsel, as seeking a temporary restraining order, in part. The Amended Complaint [#48-1] does not renew this request.

IT IS FURTHER **ORDERED** that the Motion to Dismiss [#17] is **DENIED as moot**. See, e.g., *Strich v. United States*, No. 09-cv-01913-REB-KLM, 2010 WL 14826, at *1 (D. Colo. Jan. 11, 2010) (citations omitted) (“The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded.”); *Gotfredson v. Larsen LP*, 432 F. Supp. 2d 1163, 1172 (D. Colo. 2006) (noting that defendants’ motions to dismiss are “technically moot because they are directed at a pleading that is no longer operative”).

Dated: November 19, 2012