

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 12-cv-01951-REB-KMT

RONALD TOZZIE, and  
RITA TOZZIE,

Plaintiffs,

v.

RAY L. HUGHES, P.C., and  
PUEBLO LAYWERS, P.C. d/b/a BUXMAN, KWITEK, & OHLSEN, P.C.,

Defendants.

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**MINUTE ORDER**

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**ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA**

“Plaintiff’s Unopposed Motion for Leave to File Amended Complaint and Response” (Doc. No. 26, filed October 19, 2012) is **GRANTED**, pursuant to Fed. R. Civ. P. 15(a)(2). The Clerk of Court is directed to file Plaintiff’s “Amended Complaint and Jury Demand” (Doc. No. 26-2).

Further, “Defendants Pueblo Lawyers’ Fed. R. Civ. P. 12(b)(6) Motion to Dismiss” (Doc. No. 15) is **DENIED** without prejudice as moot based on the filing of Plaintiff’s Amended Complaint. *See Mohammed v. Holder*, No. 07-cv-2697-MSK-BNB, 2009 WL 529549, at \*3 (D. Colo. Mar. 2, 2009) (Because an amended complaint supercedes the original complaint, a motion to dismiss directed at the original complaint is properly denied as moot); *see also Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007) (“[A]n amended complaint supercedes an original complaint and renders the original complaint without legal effect. . . .”) (citations and internal quotation marks omitted).

Dated: October 23, 2012