

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02183-MSK-MEH

STEPHEN LANE,

Plaintiff,

v.

R.A. YOHN, Detective, and  
THE CITY OF COLORADO SPRINGS,

Defendants.

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**MINUTE ORDER**

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**Entered by Michael E. Hegarty, United States Magistrate Judge, on October 31, 2012.**

Pending before the Court are Plaintiff's Motion for Leave to File Amended Complaint [filed October 29, 2012; docket #17] and Defendants' Motion to Dismiss [filed October 9, 2012; docket #10]. Fed. R. Civ. P. 15(a)(1)(B) provides that a party may amended its pleading once as matter of course within 21 days after service of a motion under Rule 12(b). Plaintiff's Motion, filed less than 21 days after service of Defendants' Motion, is **granted** insofar as Plaintiff may amend his pleadings as a matter of course. The Clerk of the Court is directed to enter Plaintiff's Amended Complaint and Jury Demand [docket #17-1] as filed.

In light of the amended pleading, Defendants' Motion 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)). Defendants shall file an answer or other response in accordance with all federal and local rules.