

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

Civil Action No. 12-cv-02516-REB-KMT

ADRIENNE ARAGON,

Plaintiff,

v.

MICHELE WAGNER, in her individual and official capacity,
ROBERT KLADDE, in his individual and official capacity
JOHN DIXON, in his individual and official capacity,
KEVIN PALETTA, CHIEF OF POLICE, LAKEWOOD POLICE DEPARTMENT, in his
individual and official capacity, and
CITY OF LAKEWOOD, in its official capacity,

Defendants.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

This matter is before the court on the “Motion to Dismiss of Defendants Wagner, Dixon, Paletta, and the City of Lakewood” (Doc. No. 18, filed Jan. 7, 2013) and “Defendant Robert Kladde’s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6)” (Doc. No. 23, filed Jan. 25, 2013). On January 28, 2013, Plaintiff filed her Amended Complaint (Doc. No. 26) as a matter of course, pursuant to Rule 15(a)(1). *See* Fed. R. Civ. P. 15(a)(1)(B) (providing that a party may amend its pleading once as a matter of course within 21 days after service of a motion under Rule 12(b), (e), or (f)). A pleading that has been amended under Rule 15(a) automatically supercedes the pleading it modifies, which is thereafter treated as nonexistent. *Gilles v. United States*, 906 F.2d 1286, 1389 (10th Cir. 1990). Accordingly, because they are now targeted at an inoperative pleading, Defendants’ Motions to Dismiss (Doc. Nos. 18 & 23) are DENIED without prejudice as moot.

Dated: January 29, 2013