

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02923-REB-MEH

KENNETH C. SIMPSON,

Plaintiff,

v.

WELLS FARGO NATIONAL BANK ASSOCIATION,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on December 19, 2012.

Pending before the Court is Plaintiff's Motion for Leave to File First Amended Complaint [filed December 17, 2012, docket #21]. The Court observes that Plaintiff's Motion comes within 21 days of Defendant's Motion to Dismiss and Supporting Brief [filed December 4, 2012; docket #18] and that Plaintiff has not yet filed an amended pleading. Pursuant to Fed. R. Civ. P. 15(a)(1)(B), Plaintiff may amend his pleading once as a matter of course. Therefore, the Clerk of the Court is directed to enter Plaintiff's First Amended Verified Complaint [docket #21-1] as filed. Because Plaintiff's Motion is unnecessary in light of Rule 15, it is **denied as moot**. Defendant's Motion to Dismiss and Supporting Brief is also **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)).