

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03204-CMA-KLM

JESUS HALL,

Plaintiff,

v.

J. BROWN, RN,
DR. ALLRED,
MCDERMOT, Health Admin, and
HAVER, Off,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendants' **Motion to Dismiss** [#38] and on Plaintiff's **Motion for Leave to File an Amended Complaint** [#48] (the "Motion to Amend"). The Court has reviewed the proposed Third Amended Complaint [#48-1] submitted by Plaintiff and finds that the pleading should be accepted pursuant to Fed. R. Civ. P. 15(a)(2), which states in part that "[t]he court should freely give leave when justice so requires."

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

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

IT IS FURTHER **ORDERED** that Defendants' Motion to Dismiss [#38] 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("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded."); *AJB Props., Ltd.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 Apr. 28, 2009) (finding that amended complaint superseded original complaint and "accordingly, defendant's motion to dismiss the original complaint is denied as moot"); *Gotfredson v. Larsen LP*, 432 F. Supp. 2d 1163,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: December 16, 2013