

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00686-WYD-MEH

ELF-MAN, LLC,

Plaintiff,

v.

WILLIAM HALL, and
JOSEPH TICKNELL,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on October 29, 2013.

In the interest of justice, Plaintiff's Motion for Leave to Amend First Amended Complaint in Order to Identify Defendant John Doe 3 by Name [filed October 28, 2013, docket #43] is **granted**. The Clerk of the Court is directed to file the Second Amended Complaint located at docket #43-1. Plaintiff shall serve the Defendants in accordance with Fed. R. Civ. P. 4 and all applicable rules.

The Court notes that Plaintiff asserts in the motion to amend that the amendment will not "prejudice" any responsive pleading or motion filed in this case. However, neither in the motion to amend nor in Plaintiff's pending (sparse) motion for default judgment is there any information or explanation as to whether or how the Second Amended Complaint may be different as to Defendant William Hall. Thus, without sufficient information and in light of the order granting amendment, Plaintiff's Motion for Default Judgment against Defendant William Hall [filed October 21, 2013; docket #41], which relies on the content and service of the First Amended Complaint, is **denied without prejudice** 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)).