

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

Civil Action No. 13-cv-01026-REB-KMT

KEVIN HENRY,

Plaintiff,

v.

PHARMACY MANAGEMENT SERVICES INC.,
MARK LARIVÉE, and
COLLEGE PHARMACY, INC.,

Defendants.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

This matter is before the court on “Defendant College Pharmacy, Inc.’s Motion to Dismiss Plaintiff’s Complaint” (Doc. No. 25, filed June 19, 2013), “Defendant Pharmacy Management Services Inc., Motion to Dismiss Plaintiff’s Complaint” (Doc. No. 30, filed June 24, 2013), and the “Motion to Dismiss Complaint Pursuant to FRCP 12(b)(6) on Behalf of Defendant Mark Larivee” (Doc. No. 34, filed July 2, 2013). In light Plaintiff’s First Amended Complaint (Doc. No. 38, filed July 8, 2013), which was permissibly filed as a matter of course under Fed. R. Civ. P. 15(a)(1), Defendants’ Motions to Dismiss (Doc. Nos. 25, 30, & 34) are DENIED without prejudice as moot as they are targeted at an inoperative pleading. *See, e.g., Brunet v. The Quizno’s Franchise Co. LLC*, No. 07-cv-01717-EWN-KMT, 2008 WL 4380590, at *1 (D. Colo. Sept. 24, 2008) (citing *Gilles v. United States*, 906 F.2d 1386, 1389 (10th Cir. 1990)).

Dated: July 11, 2013