

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01609-PAB-CBS

TRACY LYNN STEVENSON,

Plaintiff,

v.

SCHNEIDER ELECTRIC U.S.A., INC.,

Defendant.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on a Motion to Dismiss [Docket No. 15] filed by defendant Schneider Electric U.S.A., Inc. On January 6, 2014, plaintiff's amended complaint [Docket No. 20] was accepted for filing. Thus, as of January 6, 2014, the operative pleading is plaintiff's amended complaint. Defendant's motion to dismiss is therefore directed at an inoperative, superseded pleading. See, e.g., *Gilles v. United States*, 906 F.2d 1386, 1389 (10th Cir. 1990) (“[A] pleading that has been amended under Rule 15(a) supersedes the pleading it modifies”) (internal quotation marks omitted). As such, defendant's motion to dismiss is moot. Therefore, it is

ORDERED that defendants' motion to dismiss [Docket No. 15] is **DENIED** without prejudice as moot.

DATED January 6, 2014.