

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02589-REB-KLM

MICHAEL BACOTE JR,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,  
G. SANDUSKY, Correctional Officer, and  
A. BALSICK, Correctional Officer

Defendants.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on **Defendants' Motion to Revive Motion to Dismiss (Doc. 72) [#109]**<sup>1</sup> (the "Motion"), which asks the Court to revive a previously filed motion to dismiss [#72] directed at Plaintiff's Third Amended Complaint [#70]. On October 16, 2015, Plaintiff filed his Fourth Amended Complaint pursuant to Fed. R. Civ. P. 15(a)(2). As a result, the motion to dismiss directed at the third Amended Complaint is 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("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded."); *AJB Props., Ltd.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 Apr. 28, 2009) (finding that amended complaint superseded original complaint and "accordingly, defendant's motion to dismiss the original complaint is denied as moot"); *Gottfredson v. Larsen LP*, 432 F. Supp. 2d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"). As a result, the Court denies Defendants' Motion asking the Court to revive the moot motion to dismiss. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#109] is **DENIED**.

Dated: October 19, 2015

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<sup>1</sup> "[#109]" is an example of the convention I use to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). I use this convention throughout this Minute Order.