

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02789-PAB-BNB

RALEN SHANE WANSTALL,

Plaintiff,

v.

JOSEPH ARMIJO, Correctional Officer, USP-Florence, in his individual capacity,
JEFFREY KAMMRAD, Senior Officer, USP-Florence, in his individual capacity,
CHARLES DANIELS, Warden, USP-Florence, in his individual capacity,
JANE/JOHN DOE, Associate Warden, USP-Florence, in his or her individual capacity,
FEDERAL BUREAU OF PRISONS, and
CHARLES SAMUELS, Director, Federal Bureau of Prisons, in his official capacity,

Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on defendants' Motion for Judgment on the Pleadings [Docket No. 59]. On July 28, 2014, plaintiff filed the Second Amended Complaint [Docket No. 75] pursuant to the Minute Order [Docket No. 74] granting Plaintiff's Motion for Leave to Amend Complaint [Docket No. 66]. Thus, the Second Amended Complaint became the operative pleading in this action, and the Motion for Judgment on the Pleadings [Docket No. 59] is directed to an inoperative, superseded pleading.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, the motion for judgment on the pleadings is moot. It is

ORDERED that defendants' Motion for Judgment on the Pleadings [Docket No. 59] is DENIED as moot.

DATED July 30, 2014.