

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02912-MSK-MEH

STANLEY CREWS,

Plaintiff,

v.

SCHOOL DISTRICT NO. 1, IN THE CITY AND COUNTY OF DENVER, a/k/a Denver Public Schools,
CLIFFORD PAYNE,
MICHAEL EATON,
ROBERT SWAIN,
LISA WEHRLI, and
THOMAS CONROY,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on January 21, 2014.

Before the Court is Plaintiff's Amended Complaint and Jury Demand [docket #22] filed as a matter of course pursuant to Fed. R. Civ. P. 15(a). *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)).

In light of this filing, Defendants' recently filed Amended Motion to Dismiss [filed December 30, 2013; docket #14] is **denied without prejudice as moot** with leave to re-file, if Defendants so choose, in response to the Amended Complaint. See *Estate of Howard v. Cnty. of El Paso, Colo.*, No. 10-cv-02740-CMA-MEH, 2011 WL 1562843, at *4 (D. Colo. Apr. 22, 2011) (recognizing "requirement to file another responsive pleading to an Amended Complaint"); *see also Robinson v. Dean Foods Co.*, No. 08-cv-01186-REB-CBS, 2009 WL 723329, at *4 (D. Colo. Mar. 18, 2009) (citation omitted) ("Generally, when an amended complaint is filed, the previous complaint is wiped out and the operative complaint is the most recently filed version.") (citing *Snyder v. Pascack Valley Hosp.*, 303 F.3d 271, 276 (3d Cir. 2002) ("An amended complaint supercedes the original version in providing the blueprint for the future course of a lawsuit.")).