

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01699-MEH

MELEAHA R. GLAPION,

Plaintiff,

v.

SHAUN DONOVAN, Secretary, U.S. Department of Housing and Urban Development,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on October 2, 2014.

In light of the filing of Plaintiff's Third Amended Title VII Complaint, filed October 1, 2014, Defendant's Motion to Dismiss [filed September 12, 2014; docket #35] is **denied without prejudice** as moot with leave to re-file, if Defendant so chooses, in response to the Third Amended Complaint. *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)); *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."). Defendant shall file an answer or a renewed motion to dismiss in response to the Third Amended Complaint in accordance with Fed. R. Civ. P. 15.