

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02095-PAB-KMT

ERIC JOHNSON,

Plaintiff,

v.

DEPARTMENT OF PUBLIC WORKS et al.,

Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on defendant City and County of Denver's Motion to Dismiss [Docket No. 8] and Defendants Billings, Lutz, Williams, Pitt and Villa's Motion to Dismiss [Docket No. 26]. On February 23, 2015, plaintiff filed an Amended Complaint [Docket No. 31] pursuant to the Minute Order [Docket No. 27] granting Plaintiff's Motion to Amend Complaint [Docket No. 17]. Thus, the Amended Complaint became the operative pleading in this action, and the Motions to Dismiss [Docket Nos. 8 and 26] are directed to an inoperative, superseded pleading.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 motions to dismiss are moot. It is

ORDERED that defendants' Motions to Dismiss [Docket Nos. 8 and 26] are DENIED as moot.

DATED February 23, 2015.