

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 14-cv-02231-RM-MEH

JONATHAN SHIELDS, *et al.*,

Plaintiff,

v.

JENNIFER DUNCAN (personal and official capacities as Plaintiff's parole officer), *et al.*,

Defendants.

ORDER

This matter is before the Court on the Motion to Dismiss filed by Defendants Denise Balazic, Mary Baydarian, Richard Bednarski, Carl Blake, Allison Boyd, Jennifer Curtis, A. Mervyn Davies, Cheryl Davies, Theresa Dawes, Jennifer Duncan, Amy Fitch, Jeff Geist, Missy Gursky, Peggy Heil, William Hildebrand, Erin Jemison, Jeff Jenks, Nancy Johnson, Marcelo Kopcow, Tom Leversee, Marjorie Lewis, Dianna Lwyer-Brook, Jessica Meza, Joe Morales, John O'Dell, Rebecca Oakes, John Odenheimer, Alfredo Pena, Shefali Phillips, Rick Raemisch, Mimi Scheuermann, Brandon Shaffer, Kyli Simms, Doug Stephens, Amy Tate, and Angel Weant (ECF No. 55) and the Motion to Dismiss filed by Defendants Matthew Sullivan and Miranda Kennet. (ECF No. 57, together the "Motions to Dismiss.") Both motions seek dismissal of Plaintiffs' Second Amended Complaint (ECF No. 27) pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6). Subsequent to Defendants' filing the Motions to Dismiss, Plaintiffs filed a "Motion for Leave to File [a] Proposed Third Amended Complaint" (ECF No. 87) on April 15, 2015. That motion was granted by Magistrate Judge Hegarty on May 13, 2015 (ECF No. 101) and Plaintiffs filed their Third Amended Complaint that same day. (ECF No. 102.) As Plaintiffs have now filed a

superseding complaint, which is the operative pleading in this case, the Court finds that the Motions to Dismiss are moot. Accordingly, it is hereby ORDERED that:

1. The Motion to Dismiss filed by Denise Balazic, Mary Baydarian, Richard Bednarski, Carl Blake, Allison Boyd, Jennifer Curtis, A. Mervyn Davies, Cheryl Davies, Theresa Dawes, Jennifer Duncan, Amy Fitch, Jeff Geist, Missy Gursky, Peggy Heil, William Hildebrand, Erin Jemison, Jeff Jenks, Nancy Johnson, Marcelo Kopcow, Tom Lerversee, Marjorie Lewis, Dianna Lwyer-Brook, Jessica Meza, Joe Morales, John O'Dell, Rebecca Oakes, John Odenheimer, Alfredo Pena, Shefali Phillips, Rick Raemisch, Mimi Scheuermann, Brandon Shaffer, Kyli Simms, Doug Stephens, Amy Tate, and Angel Weant (ECF No. 55) is DENIED as moot;

2. The Motion to Dismiss filed by Defendants Matthew Sullivan and Miranda Kennet (ECF No. 57) is DENIED as moot;

DATED this 13th day of May, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge