

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02399-RM-KLM

MICHAEL ANGELO MARTINEZ,

Plaintiff,

v.

HEALTH CARE PARTNERS FOUNDATION, INC.,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Defendant Health Care Partners & Employees' Motion to Dismiss** [#7]¹ (the "Motion to Dismiss") and on **Plaintiff's Motion for Leave Requesting to File an Amended Complaint** [#48] (the "Motion to Amend"). The Court has reviewed the proposed Amended Complaint [#48-2] submitted by Plaintiff and finds that the pleading should be accepted pursuant to Fed. R. Civ. P. 15(a)(2), which states in part that "[t]he court should freely give leave when justice so requires."

IT IS HEREBY **ORDERED** that the Motion to Amend [#48] is **GRANTED**.² Accordingly,

IT IS FURTHER **ORDERED** that the Clerk of Court shall accept Plaintiff's Amended Complaint [#48-2] for filing as of the date of this Minute Order.

IT IS FURTHER **ORDERED** that Defendant's Motion to Dismiss [#7] is **DENIED as moot**. See, e.g., *Strich v. United States*, No. 09-cv-01913-REB-KLM, 2010 WL 14826, at *1 (D. Colo. Jan. 11, 2010) (citations omitted) ("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded."); *AJB Props., Ltd. v. Zarda Bar-B-Q of Lenexa, LLC*, No. 09-2021-JWL, 2009 WL 1140185, at *1

¹ "[#7]" is an example of the convention I use to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). I use this convention throughout this Minute Order.

² The Court may rule on a pending motion at any time. D.C.COLO.LCivR 7.1(d).

(D. Kan. Apr. 28, 2009) (finding that amended complaint superseded original complaint and “accordingly, defendant’s motion to dismiss the original complaint is denied as moot”); *Gotfredson v. Larsen LP*, 432 F. Supp. 2d 1163, 1172 (D. Colo. 2006) (noting that defendants’ motions to dismiss are “technically moot because they are directed at a pleading that is no longer operative”).

Dated: August 11, 2015