

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03059-MEH

THOMAS GRAHAM,

Plaintiff,

v.

TELLER COUNTY, COLORADO,

MIKE ENSMINGER, Teller County Sheriff, in his individual and official capacities,

MICHAEL ROMERO, Teller County Sheriff's Office Deputy and Member of Teller County
Emergency Response Team, in his individual and official capacities,

JOSH WEATHERILL, Teller County Sheriff's Office Deputy and Member of Teller County
Emergency Response Team, in his individual and official capacities,

NICK HARTBAUER, Teller County Sheriff's Office Deputy and Member of Teller County
Emergency Response Team, in his individual and official capacities, and

JESSE BAKER, Tactical Medic of the Teller County Emergency Response Team, in his individual
and official capacities,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on December 11, 2014.

In light of the filing of the Amended Complaint [docket #6] as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1)(B), Defendant Mike Ensminger's Motion to Dismiss [filed November 19, 2014; docket #5] is **denied as moot** with leave to re-file, if Defendant so chooses, in response to the 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.").