

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03484-MSK-KLM

TYLENE E. HOLLINGSWORTH, an individual,

Plaintiff,

v.

ROBERT A. MCDONALD, in his official capacity as Secretary of the Department of Veterans Affairs,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendant's **Partial Motion to Dismiss Pursuant to Rule 12(b)(6)** [#16] (the "Motion"). Subsequent to the filing of this Motion, Plaintiff filed an Amended Complaint [#28], to which Defendant filed an Answer [#33]. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#16] 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("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded."); *AJB Props., Ltd.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 (D. Kan. April 28, 2009) (finding that amended complaint superseded original complaint and "accordingly, defendant's motion to dismiss the original complaint is denied as moot"); *Gottfredson v. Larsen LP*, 432 F.Supp.2d 1163,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: October 9, 2015