

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00434-REB-MEH

ANDREW SCOTT WREN,

Plaintiff,

v.

DEPUTY DUKE COLE,
JOHN DOE #1, Denver County Sheriff Deputy,
JOHN DOE #2, Denver County Sheriff Deputy, and
JOHN DOE #3, Denver County Sheriff Deputy,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on June 18, 2015.

Before the Court is Plaintiff's First Amended Complaint and Jury Demand [docket #37] filed as a matter of course pursuant to Fed. R. Civ. P. 15(a). In light of this amended pleading, the Motion to Dismiss Plaintiff's Complaint filed by the Denver Sheriff Department and Cole in his official capacity [filed May 27, 2015; docket #30] and Defendant Cole's Partial Motion to Dismiss Plaintiff's Complaint [filed May 27, 2015; docket #31] are **denied without prejudice**. 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.").