

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01045-KLM

DAMON ELLIS

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,
CHARLES A. DANIELS, in his individual and official capacities, and
DAVID K. ALLRED, DO, in his individual and official capacities,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Defendants' Motion to Dismiss for Lack of Jurisdiction and for Failure to State a Claim** [#17]¹ (the "Motion") and Plaintiff's **First Amended Complaint and Jury Demand** [#23] (the "Amended Complaint"). As an initial matter, when he filed his Amended Complaint Plaintiff did not comply with D.C.COLO.LCivR 15.1(a), which requires, that "[a] party who files an amended pleading under Fed. R. Civ. P. 15(a)(1) or with the consent of the opposing party shall file a separate notice of filing the amended pleading and shall attach as an exhibit a copy of the amended pleading which strikes through . . . the text to be deleted and underlines . . . the text to be added." Accordingly,

IT IS HEREBY **ORDERED** that, on or before **December 11, 2015**, Plaintiff shall file the notice and attachment described in D.C.COLO.LCivR 15.1(a).

IT IS FURTHER **ORDERED** that the Motion [#17] 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("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded."); *AJB Props., Ltd.*

¹ "[#17]" 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.

v. Zarda Bar-B-Q of Lenexa, LLC, No. 09-2021-JWL, 2009 WL 1140185, at *1 (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 Apr. 28, 2009) (finding that amended complaint superseded original complaint and “accordingly, defendant’s motion to dismiss the original complaint is denied as moot”); *Gotfredson v. Larsen LP*, 432 F. Supp. 2d 1163,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: December 1, 2015