

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01165-KLM

JANE DOE, and
I.B., by her mother and next friend, Jane Doe,

Plaintiffs,

v.

APRIL WOODARD, El Paso County Department of Human Services caseworker,
individually;
CHRISTINA NEWBILL, Supervisor, El Paso County Department of Human Services,
individually;
SHIRLEY RHODUS, Children, Youth and Family Services Director, El Paso County
Department of Human Services, individually;
RICHARD BENGTTSSON, individually, and in his official capacity as Executive Director, El
Paso County Department of Human Services for prospective relief;
REGGIE BICHA, Executive Director of the Colorado Department of Human Services, in his
official capacity for prospective relief; and
EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, comprised of Sallie Clark,
Darryl Glenn, Dennis Hisey, Amy Lathen, and Peggy Littleton, in their official capacity,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiffs' **First Amended Complaint** [#34]¹. Plaintiff's First Amended Complaint was filed as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1)(B). See *Notice of Filing of Amended Complaint* [#35] at 1. As a result, the motion to dismiss [#31] filed by certain Defendants in response to the Complaint [#1] is moot. Accordingly,

IT IS HEREBY **ORDERED** that the County Defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) [#31] is **DENIED as moot**. See, e.g., *Strich v. United States*,

¹ "[#34]" 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.

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(“The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded.”); *AJB Props., Ltd.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. Apr. 28, 2009) (finding that amended complaint superseded original complaint and “accordingly, defendant’s motion to dismiss the original complaint is denied as moot”); *Gotfredson v. Larsen LP*, 432 F. Supp. 2d 1163,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 21, 2015