

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01503-REB-KLM

KURT RIGGEN, Chief of the Ki Kiallus Indian Nation,

Plaintiff,

v.

JEAN WOODFORD, Judge, and  
THOMAS VANCE, Judge,

Defendants.

---

**MINUTE ORDER**

---

**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Defendants' **Motion to Dismiss** [#4] and on Plaintiff's **Opposed Amended Motion Pursuant to FRCP Rule 15(a) for Leave to File Amended Complaint** [#25] (the "Motion to Amend"). Given that Plaintiff has not yet been permitted to amend his Complaint, that a Scheduling Conference has not yet been held, and that a deadline for amendment of pleadings and joinder of parties has not yet been set, the Court finds that permitting amendment pursuant to Fed. R. Civ. P. 15(a)(2) is appropriate. Accordingly,

IT IS HEREBY **ORDERED** that Plaintiff's Motion to Amend [#25] is **GRANTED**. The Clerk of Court shall accept Plaintiff's Amended Complaint [#25-1] as of the date of this Minute Order.

IT IS FURTHER **ORDERED** that Defendants' Motion to Dismiss [#4] 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("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded."); *AJB Props., Ltd.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. Apr. 28, 2009) (finding that amended complaint superseded original complaint and "accordingly, defendant's motion to dismiss the original complaint is denied as moot"); *Gotfredson v. Larsen LP*, 432 F. Supp. 2d 1163,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: February 24, 2016