

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02218-KLM

KENNETH R. ZARTNER,

Plaintiff,

v.

CITY AND COUNTY OF DENVER, COLORADO,
SHAWN L. MILLER,
DAVID PACHECO,
ROBERT MAZOTTI,
MARIO GALLARDO,
CRAIG PENSON,
JEFFREY STEED,
RICHARD GILSTRAP, and
APRIL KULHANEK, R.N.,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendant City and County of Denver's **Motion to Dismiss** [#24] (the "Motion"). The Motion was filed on January 25, 2016. On February 16, 2016, Plaintiff timely filed an Amended Complaint as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1)(B). Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#24] 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("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded."); *AJB Props., Ltd.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 Apr. 28, 2009) (finding that amended complaint superseded original complaint and "accordingly, defendant's motion to dismiss the original complaint is denied as moot"); *Gottfredson v. Larsen LP*, 432 F. Supp. 2d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: February 23, 2016