

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DAISY RIVERA,

Plaintiff,

v.

Case No: 2:14-cv-718-FtM-38DNF

GOLFVIEW GOLF & RACQUET
CLUB COMMUNITY ASSOCIATION,
INC. and DENNIS CATOE,

Defendants.

_____ /

ORDER¹

This matter is before the Court on Defendants Golfview Golf & Racquet Community Association, Inc. and Dennis Catoe's Motion to Dismiss Complaint With Prejudice ([Doc. #8](#)) filed on January 5, 2015. Plaintiff Daisy Rivera thereafter filed an Amended Complaint on January 26, 2015. ([Doc. #16](#); Doc. #14). Since the Amended Complaint is now the operative pleading in this action, the Court denies Defendants' Motion to Dismiss Complaint as moot. See [Malowney v. Fed. Collection Deposit Grp., 193 F.3d 1342, 1345 n.1 \(11th Cir. 1999\)](#) (noting, "[a]n amended complaint supersedes an original complaint" (citation omitted)).


Accordingly, it is now

ORDERED:

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Defendants Golfview Golf & Racquet Community Association, Inc. and Dennis Catoe's Motion to Dismiss Complaint With Prejudice ([Doc. #8](#)) is **DENIED as moot**.

DONE and **ORDERED** in Fort Myers, Florida this 28th day of January, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record