

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CHERI CARR, an individual

Plaintiff,

v.

Case No: 2:17-cv-58-FtM-99CM

CHARLOTTE COUNTY FAMILY
YOUNG MEN'S CHRISTIAN
ASSOCIATION, INCORPORATED,

Defendant.

OPINION AND ORDER¹

This matter comes before the Court on Defendant Charlotte County Family Young Men's Christian Association, Incorporated's Motion to Dismiss ([Doc. 10](#)) filed on March 14, 2017. Plaintiff timely filed an Amended Complaint on March 28, 2017. ([Doc. 11](#)).

Rule 15(a) of the Federal Rules of Civil Procedure provides, in relevant part, that "[a] party may amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." [Fed. R. Civ. P. 15\(a\)\(1\)](#). Upon satisfaction of one of the above conditions, the plaintiff's right to amend once is absolute.

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In this case, Plaintiff filed the Amended Complaint within 21 days after service of Defendant's motion under Rule 12(b)(6). [Fed. R. Civ. P. 12\(b\)\(6\)](#). Accordingly, Plaintiff's amended pleading is properly before the Court. And it is well settled that an amended pleading supersedes the original, and motions directed at superseded pleadings must be denied as moot.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:

Defendant Charlotte County Family Young Men's Christian Association, Incorporated's Motion to Dismiss ([Doc. 10](#)) is **DENIED as moot**.

DONE and **ORDERED** in Fort Myers, Florida this 29th day of March, 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record