

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

SHEILA ROSS,

Plaintiff,

vs.

CASE NO. 3:12-cv-267-J-99TJC-TEM

DAVID WILKINS, Secretary,  
DEPARTMENT OF CHILDREN AND FAMILIES,  
STATE OF FLORIDA; EVA HANEY; and  
PATTI MATLOCK,

Defendants.

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**ORDER**

This case comes before the Court *sua sponte*. In this action, Plaintiff's Amended Complaint for Damages and Demand for Jury Trial (Doc. #17, Amended Complaint) was filed on December 5, 2012. The Amended Complaint was filed without leave of the Court, as a matter of right, because Defendants have not filed any responsive pleadings in this case. See Fed. R. Civ. P. 15(a) ("[a] party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served. . . ."); *Fortner v. Thomas*, 983 F.2d 1024, 1032 (11<sup>th</sup> Cir. 1993) (a motion to dismiss is not considered a responsive pleading for purposes of Rule 15(a)).

The Amended Complaint has dropped the individual Defendants, Eva Haney and Patti Matlock, from this lawsuit. Accordingly, Defendants Haney's and Medlock's<sup>1</sup> Motion to Dismiss Plaintiff's Complaint (Doc. #13) is rendered moot with the filing of the Amended Complaint. See *Malowney v. Federal Collection Deposit Group*, 193 F.3d 1342, 1345 n.1

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<sup>1</sup>According to Defendants' counsel, Defendant Patti Medlock represents the correct spelling of this individual's name. See Motion to Dismiss at 1 n.1.

(11<sup>th</sup> Cir. 1999) (noting that '[a]n amended complaint supersedes a previously filed complaint"); *Meterlogic, Inc. v. Copier Solutions, Inc.*, 185 F.Supp.2d 1292, 1297 (S.D. Fla. 2002) (noting that the plaintiff's filing of an amended complaint "rendered moot the parties' previous pleadings and the defendants' summary judgment and *Daubert* motion").

Thus, the pending Motion to Dismiss (Doc. #13) is **DEEMED MOOT** and the Clerk shall terminate the Motion to Dismiss from the pending motions in this case. The Clerk shall further correct the style of the case to reflect only David Wilkins, in his Official Capacity as Secretary, Department of Children and Families, State of Florida, as the sole Defendant.

**DONE AND ORDERED** at Jacksonville, Florida this 7<sup>th</sup> day of December, 2012.



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THOMAS E. MORRIS  
United States Magistrate Judge

Copies to all counsel of record  
and *pro se* parties, if any