

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

EDDIE MILTON GAREY, JR.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No.
	:	5:07-CV-322-HL
MICHAEL G. THOMPSON, et al.,	:	
	:	
Defendants.	:	
	:	
	:	

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) (Doc. 17) of the Magistrate Judge. The R&R recommends dismissing, under 28 U.S.C. § 1915(e)(2),¹ pro se Plaintiff’s § 1983 Complaint (Doc. 1) on the grounds that the Complaint is frivolous and fails to state a claim on which relief may be granted. After the Magistrate Judge issued his R&R, the Plaintiff filed an Amended Complaint (Doc. 26). Because an amended complaint supersedes the original complaint, Pintando v. Miami-Dade Housing Agency, 501 F.3d 1241, 1243 (11th Cir. 2007), the R&R recommending dismissal of Plaintiff’s original Complaint is moot.

¹This statute provides that when a plaintiff is proceeding in forma pauperis, the district court must dismiss the plaintiff’s case at any time if, among other things, the plaintiff’s case is (1) frivolous or malicious, (2) fails to state a claim on which relief may be granted, or (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). Because Plaintiff is proceeding in forma pauperis, the Magistrate Judge screened the Complaint in accordance with this statute.

As a result, the Court declines to adopt the R&R.

SO ORDERED, this the 28th day of January, 2009

s/ *Hugh Lawson*
HUGH LAWSON, Judge

dhc