

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARVIN E. SAMPLES,

Plaintiff,

v.

REACO BATTERY SERVICE CORPORATION,
SCOTT GAMSTER, HAROLD HAWK and CROWN
BATTERY MANUFACTURING COMPANY,

Defendants.

Case No. 10-cv-280-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on the defendants' motion to dismiss (Doc. 24). Since the defendants filed the motion to dismiss, the plaintiff has amended the complaint (Doc. 33). Because the motion to dismiss is directed at the original complaint, which is no longer the operative pleading in this case, *Massey v. Helman*, 196 F.3d 727, 735 (7th Cir. 1999), the Court **DENIES as moot** the motion to dismiss (Doc. 24).

IT IS SO ORDERED.
DATED: August 18, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE