

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

GUSTAVO R. ZERTUCHE,)	
)	
Plaintiff,)	
)	
v.)	No. 3:12-cv-164-JPG-SCW
)	
THE AMERICAN COAL CO., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court on the motion to strike (Doc. 8) and motion to dismiss (Doc. 10) filed by defendant Robert E. Murray, the motion to dismiss (Doc. 18) filed by defendant Chris Ferrell, and the motion to dismiss filed by defendant American Coal Company (Doc. 23). All of these motions are directed at the original complaint filed by plaintiff Gustavo R. Zertuche. Since the defendants filed these motions, the plaintiff has amended the complaint (Doc. 42). Because the motions are 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** the motions **as moot** (Docs 8, 10, 18 & 23).

IT IS SO ORDERED.
DATED: August 6, 2012.

s/J. Phil Gilbert _____
DISTRICT JUDGE