

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

THOMAS WILLIAMS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
vs.)	NO. 2:17-CV-164
)	
INDIANA DEPARTMENT OF CHILD)	
SERVICES, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on the Motion to Dismiss, filed by the defendants, the Indiana Department of Child Services, Jeffrey Tinich, and Ellis Dumas, on June 9, 2017. (DE #10.) For the reasons set forth below, the motion is **DENIED AS MOOT**.

On January 29, 2018, Magistrate Judge John E. Martin granted the plaintiffs leave to file an amended complaint and ordered it to be filed as a separate docket entry on or before February 5, 2018. (DE #32.) Plaintiff's second amended complaint was filed on February 2, 2018. (DE #33.) An amended complaint becomes controlling once it is filed because the prior pleading is withdrawn by operation of law. *Johnson v. Dossey*, 515 F.3d 778, 780 (7th Cir. 2008); see also *Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84*, 133 F.3d 1054, 1057 (7th Cir. 1998). Because the second amended complaint supersedes the previous

complaints, the pending motion to dismiss (DE #10) is **DENIED AS MOOT.**

DATED: February 2, 2018

/s/RUDY LOZANO, Judge
United States District Court