

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Scott Nowak,

Plaintiff,

Case No. 21-10774

v.

Judith E. Levy
United States District Judge
Curtis Ivy, Jr.
Magistrate Judge

ABM Industries Inc., *et al*,

Defendants.

_____/

**ORDER DENYING WITHOUT PREJUDICE AS MOOT
DEFENDANTS' MOTION TO DISMISS [2]**

Plaintiff initiated this employment insurance case on February 19, 2021, and Defendants removed it to federal court on April 6, 2021. (ECF No. 1.) On April 13, 2021, Defendants filed a motion to dismiss the complaint or, in the alternative, request a more definite statement as to Plaintiff's complaint under Federal Rule of Civil Procedure 12(e). (ECF No. 2.) Plaintiff then filed an amended complaint nine days later, on April 22, 2021. (ECF No. 4.)

Without expressing any view as to whether the amended complaint cures the purported deficiencies claimed in the motion to dismiss, the

Court DENIES WITHOUT PREJUDICE AS MOOT Defendant's motion to dismiss in light of the filing of the amended complaint. "[A]n amended complaint supersedes all prior complaints." *Drake v. City of Detroit*, 266 Fed. Appx. 444, 448 (6th Cir. 2008). "It follows that 'motions directed at the superseded pleading,'" such as Defendants' motion here, "generally are to be denied as moot." *Nails v. RPI-Section 8 Housing*, 2019 WL 1112381, at *4 (E.D. Mich. Mar. 11, 2019) (quoting *Heard v. Strange*, 2018 WL 4189652, at *2 (E.D. Mich. June 21, 2018) (collecting cases) *report and recommendation adopted*, 2018 WL 4184633 (E.D. Mich. Aug. 31, 2018).

Plaintiff filed his first amended complaint by right. Fed. R. Civ. P. 15(a)(1)(B) (a complaint may be amended as of right once within 21 days of the filing of a motion to dismiss). Accordingly, Defendants are directed to file a responsive pleading to the amended complaint within 21 days of this Order.

IT IS SO ORDERED.

Dated: April 26, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 26, 2021.

s/William J. Barkholz
WILLIAM J. BARKHOLZ
Case Manager