

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**


MELINDA M. TURNER,	)	
	)	
Plaintiff,	)	
	)	No. 4:08-CV-1910 CAS
v.	)	
	)	
JAMES B. PEAKE, Secretary, United States	)	
Department of Veteran Affairs,	)	
	)	
Defendant.	)	

**ORDER**

The Court having granted plaintiff leave to file her Second Amended Complaint, which was filed on May 12, 2009, pending motions pertaining to the First Amended Complaint should be denied without prejudice as moot. Pure Country, Inc. v. Sigma Chi Fraternity, 312 F.3d 952, 956 (8th Cir. 2002).

Accordingly,

**IT IS HEREBY ORDERED** that defendant’s motion to dismiss is **DENIED without prejudice as moot**. [Doc. 10]

  
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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 15th day of May, 2009.