

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:22-CV-404-FL

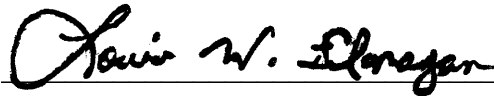
BIOLINK LIFE SCIENCES, INC.,)
)
Plaintiff,)
)
v.)
)
AVARA PHARMACEUTICAL)
SERVICES, INC.,)
)
Defendants.)
)
)
)

ORDER

This matter is before the court on its own initiative, upon consideration of its April 11, 2023, order on motion to withdraw. (DE 22). Where the order directed defendant to cause new counsel to file a notice of appearance within 21 days, but no notice of appearance was filed within the time specified, the court accordingly warns defendant that it may be subject to sanctions, including but not limited to default judgment, for failure to prosecute and failure to follow the court’s order. In addition, in accordance with its April 11, 2023, order, the court notes that the stay of the running of deadline for response to plaintiff’s motion to amend (DE 20) lifted on May 2, 2023, and that the time period for response to the motion to amend expired May 18, 2023. Where no response to the motion to amend has been filed, and where good cause has been shown for amending the complaint, the motion to amend (DE 20) is GRANTED. Plaintiff is DIRECTED to file its first amended complaint within 5 days of the date of this order and to serve the same upon defendant.

Additionally, “an amended pleading ordinarily supersedes the original and renders it of no legal effect.” Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) (internal quotations omitted); see also 6 Charles Alan Wright, et al., Fed. Prac. & Proc. § 1476 (3d ed. 1998) (“A pleading that has been amended under Rule 15(a) supersedes the pleading it modifies and remains in effect throughout the action unless it subsequently is modified. . . . Once an amended pleading is interposed, the original pleading no longer performs any function in the case”). Where plaintiff has moved to amend its complaint after defendant filed the instant motion, said motion, (DE 13), is TERMINATED as MOOT.

SO ORDERED, this the 22nd day of May, 2023.

A handwritten signature in black ink, reading "Louise W. Flanagan", written over a horizontal line.

LOUISE W. FLANAGAN
United States District Judge