

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:16-CV-296-BR

DENISE FOWLER, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 CITY OF WILMINGTON, et al., )  
 )  
 Defendants. )

ORDER

On 23 September 2016, defendants filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). (DE # 12.) On 13 December 2016, plaintiff filed an amended complaint. (DE # 17.) On 23 December 2016, defendants filed a motion to dismiss the amended complaint pursuant to Fed. R. Civ. P. 12(b)(6). (DE # 18.) The amended complaint supersedes the original complaint. See Dykes v. Portfolio Recovery Assocs., LLC, 306 F.R.D. 529, 530 (E.D. Va. 2015) (“It is well settled that an amended pleading supersedes the original, and motions directed at superseded pleadings must be denied as moot.” (citations omitted)). Accordingly, defendants’ initial motion to dismiss (DE # 12) is DENIED as moot. The court will address defendants’ subsequent motion to dismiss by separate order.

This 22 February 2017.



W. Earl Britt  
Senior U.S. District Judge