

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:13-CV-292-DSC**

**ELLIS LEON WILLIAMS,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **CHARLOTTE-MECKLENBURG** )  
 **BOARD OF ELECTION,** )  
 )  
 **Defendant.** )

**ORDER**

---

**THIS MATTER** is before the Court on “Defendant’s ... Partial Motion to Dismiss and ... Motion for Judgment on the Pleadings” (document #8) and “Plaintiff’s Motion to Amend Complaint” (document #13).

The parties have consented to Magistrate Judge jurisdiction under 28 U.S.C. § 636(c), and these Motions are now ripe for the Court’s determination.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to “amend its pleading once as a matter of course,” if done within twenty-one (21) days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or, “if the pleading is one to which a responsive pleading is required,” a party may amend once as a matter of course, provided that it does so within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that “leave [to amend the pleadings] shall be freely given where justice so requires.” Fed.R.Civ.P. 15(a).

Defendant does not oppose Plaintiff's Motion to Amend. See "Defendant's Reply ..." at 2 (document #17). For this and the other reasons stated, Plaintiff's Motion to Amend will be granted.


It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

**IT IS HEREBY ORDERED** that:

1. "Plaintiff's Motion to Amend Complaint" (document #13) is **GRANTED**. Plaintiff shall file his amended complaint within ten days of this Order.
2. "Defendant's ... Partial Motion to Dismiss and ... Motion for Judgment on the Pleadings" (document #8) is **DENIED** as moot without prejudice.
3. The parties are directed to submit an updated Certification and Report of F.R.C.P. 26(f) Conference Plan within fourteen days of the filing of Defendant's answer.
4. The Clerk is directed to send copies of this Order to the parties' counsel.

**SO ORDERED.**

Signed: April 22, 2014



David S. Cayer  
United States Magistrate Judge

