

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:14-CV-00526-FDW-DSC**

EYETALK365, LLC,)
)
Plaintiff,)
)
v.)
)
CPI SECURITY SYSTEMS, INC.,)
)
Defendant.)

ORDER

THIS MATTER is before the Court on Defendant’s “Motion for Judgment on the Pleadings” (document #21) filed January 26, 2015, Plaintiff’s “Motion for Leave to File Amended Complaint” (document #23) filed January 28, 2015, and the parties’ associated briefs and exhibits.

This matter was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636, and these Motions are now ripe for consideration.

For the reasons stated in its Motion and supporting briefs, the Court grants Plaintiff leave to file its Amended Complaint. Plaintiff shall file its Amended Complaint within ten days of this Order.

It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot.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Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

Accordingly, Defendant's "Motion for Judgment on the Pleadings" (document #21) is administratively **DENIED** as moot without prejudice.

The Clerk is directed to send copies of this Order to counsel of record; and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: February 23, 2015



David S. Cayer
United States Magistrate Judge

