

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-CV-00030-FDW-DSC**

SUSAN BYRD,)
)
Plaintiff,)
)
v.)
)
ECKERD CORPORATION,)
)
Defendant.)

THIS MATTER is before the Court on the “Plaintiff’s Motion to Amend Complaint” (document # 12) filed April 21, 2016. In its response, Defendant consents to the amendment as it relates to Plaintiff’s federal claims but disputes whether the proposed amendment will establish subject matter jurisdiction over Plaintiff’s state law claim.

After conferring with the chambers of the Honorable Frank D. Whitney, it is hereby **ORDERED** that the Motion is **GRANTED**.

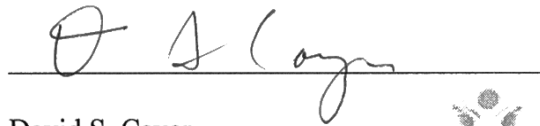
It is well settled that an amended pleading supersedes the original pleading, and motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint). Consequently, the Court orders that Defendant’s “Motion to Dismiss Plaintiff’s Complaint” (document #4) be administratively **DENIED** as moot without prejudice to Defendant’s right to file a motion to dismiss the amended complaint.

Plaintiff shall file her Amended Complaint within ten days of this Order.

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

SO ORDERED.

Signed: May 16, 2016

A handwritten signature in cursive script, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

