

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-CV-00316-RJC-DSC**

LATASHA PITTS,)
)
Plaintiff,)
)
v.)
)
CLINT BRIDGES, individually and)
officially, R.D. GANTT, individually)
and officially, and A.L. WILSON,)
individually and officially,)
)
Defendants,)
_____)

ORDER

THIS MATTER is before the Court on Defendants’ “Motion to Dismiss” (document # 12) filed September 28, 2016, and Plaintiff’s “Motion to Amend Complaint” (document #16) filed October 12, 2016.

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1).

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) (emphasis added).

Plaintiff filed her “Motion to Amend Complaint” (document #16) fifteen days after

Defendants filed their Motion to Dismiss. Consequently, she may amend as a matter of course. Fed. R. Civ. P. 15(a)(1)(B).

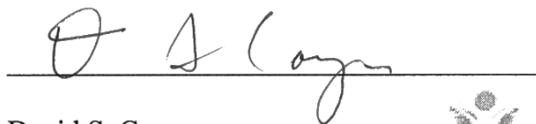
It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).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 #16) is **GRANTED**. Plaintiff shall file her Amended Complaint within ten days of this Order.
2. Defendants' "Motion to Dismiss" (document #12) is **DENIED** administratively as moot without prejudice.
3. The Clerk is directed to send copies of this Order to the parties' counsel; and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: October 13, 2016



David S. Cayer
United States Magistrate Judge

