

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

APACHE TRIBE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-10-646-D
)	
BETSY ANN BROWN, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Before the Court are the following motions: Defendant Foshee & Yaffe Law Firm’s Motion to Dismiss [Doc. No. 104]; Defendants Betsy Ann Brown and Law Offices of Brown & Cullimore’s Motion to Dismiss [Doc. No. 105]; and Defendant John H. Graves’ Motion to Dismiss [Doc. No. 106]. All challenge the sufficiency of the original Complaint. However, on June 7, 2012, Plaintiff timely filed its Amended Complaint [Doc. No. 108].¹ This amendment supersedes Plaintiff’s original pleading and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991); *see also Miller v. Glanz*, 948 F.2d 1562, 1565 (10th Cir. 1991).

IT IS THEREFORE ORDERED that Defendants’ Motions [Doc. Nos. 104, 105 & 106] are DENIED as moot without prejudice to resubmission, if appropriate, in response to the Amended Complaint.

IT IS SO ORDERED this 8th day of June, 2012.

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

¹ A plaintiff may amend as a matter of right within 21 days after service of a Rule 12(b) motion.