

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

HELENE MYLES,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-13-676-D
)	
THE STATE OF OKLAHOMA ex rel.)	
OKLAHOMA DEPARTMENT OF)	
HUMAN SERVICES and DEBRA)	
CLOUR, in her individual capacity as)	
Area III Director,)	
)	
Defendants.)	

ORDER

Before the Court are Defendant Debra Clour’s Motion to Dismiss [Doc. No. 17] and Defendant Oklahoma Department of Human Services’ Motion to Dismiss [Doc. No. 19] seeking dismissal of Plaintiff’s Amended Complaint [Doc. No. 7]. Plaintiff was subsequently granted leave to file a Second Amended Complaint, *see* Order [Doc. No. 24], and has now filed the Second Amended Complaint [Doc. No. 28]. The Second Amended Complaint supersedes Plaintiff’s prior complaint and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991); *see also Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007); *Miller v. Glanz*, 948 F.2d 1562, 1565 (10th Cir. 1991). Thus, all motions directed at the Amended Complaint are moot.

IT IS THEREFORE ORDERED that Defendants’ Motions are DENIED as moot without prejudice to resubmission, if appropriate, in response to the Second Amended Complaint.

IT IS SO ORDERED this 5th day of February, 2014.

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE