

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

OLAN WAYNE BOYDSTON, )
Plaintiff, )
vs. )
CITY OF SPENCER, OKLAHOMA, )
et al., )
Defendants. )

Case No. CIV-14-816-D

ORDER

In response to Defendants’ Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6), Plaintiff has filed an amended complaint, as permitted by Fed. R. Civ. P. 15(a)(1)(B). The 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 Mink v. Suthers, 482 F.3d 1244, 1254 (10th Cir. 2007). Thus, Defendants’ Motion directed at the original complaint is moot, and the Motion will be denied without prejudice to refile, if appropriate, in response to Plaintiff’s amended pleading.

IT IS THEREFORE ORDERED that Defendants’ Motion to Dismiss [Doc. No. 7] is DENIED, as set forth herein.

IT IS SO ORDERED this 14th day of November, 2014.

Handwritten signature of Timothy D. DeGiusti

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE