

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

CORTNEY DAWSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-17-1043-D
	)	
D&M CARRIERS, LLC d/b/a	)	
FREYMILLER, INC.,	)	
	)	
Defendant.	)	

**ORDER**

Before the Court is Defendant's Motion to Dismiss [Doc. No. 5], filed pursuant to Fed. R. Civ. P. 12(b)(1) and (6). The Motion challenges the sufficiency of Plaintiff's original state-court pleading. In response, Plaintiff has timely filed an amended pleading as authorized by Fed. R. Civ. P. 15(a)(1)(B). 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 Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). Thus, Defendant's Motion is moot.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss [Doc. No. 5] is DENIED without prejudice to resubmission, if appropriate, in response to the Amended Complaint.

IT IS SO ORDERED this 27<sup>th</sup> day of October, 2017.

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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE