

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

CHARLES KALEB VANLANDINGHAM,)
 Administrator for the Estate of Charles)
 Lamar Vanlandingham,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF OKLAHOMA CITY, *et al.*,)
)
 Defendants.)

Case No. CIV-22-209-D

ORDER

Before the Court is Defendant Brandon Lee’s Motion for Judgment on the Pleadings [Doc. No. 42] under Fed. R. Civ. P. 12(c). The Motion challenges the sufficiency of the Second Amended Complaint to state a claim against Defendant Lee. After the Motion was filed, Plaintiff was authorized to further amend his pleading and filed the Third Amended Complaint [Doc. No. 45]. “[A]n amended pleading supersedes the pleading it modifies.” *Predator Int’l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-81 (10th Cir. 2015) (quoting *Gilles v. United States*, 906 F.2d 1386, 1389 (10th Cir. 1990) (en banc)); see *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007) (“amended complaint supercedes an original complaint and renders the original complaint without legal effect”). Accordingly, Defendant Lee’s Motion directed at the Second Amended Complaint is moot.

IT IS THEREFORE ORDERED that Defendant Brandon Lee’s Motion for Judgment on the Pleadings [Doc. No. 42] is **DENIED** without prejudice to a new motion, if appropriate, in response to the Third Amended Complaint.

IT IS SO ORDERED this 18th day of November, 2022.

A handwritten signature in blue ink, appearing to read "Timothy D. DeGiusti", is written above a horizontal line.

TIMOTHY D. DeGIUSTI
Chief United States District Judge