

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAMONT HAGAN,	:	CIVIL ACTION NO. 1:10-CV-0883
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JEFFREY BEARD, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 1st day of November, 2010, upon consideration of plaintiff's motion to amend the complaint (Doc. 25), and defendants' motion to dismiss the complaint (Doc. 20), it is hereby ORDERED that:

1. Plaintiff's motion to amend (Doc. 25) the complaint is GRANTED.
2. Plaintiff is afforded until November 15, 2010 to file an amended complaint.
3. The amended complaint shall carry the same civil docket number (1:10-CV-0883) presently assigned to this matter.
4. The amended complaint shall be a short, plain, and concise statement of the claims against defendants and shall be a new pleading which stands by itself as an adequate complaint without reference to the complaint already filed. FED. R. CIV. P. 8(e)(1).
5. Plaintiff is cautioned that the amended complaint will supersede the original complaint filed in this action and will render it of no legal effect. Washer v. Bullitt Co., 110 U.S. 558, 561-62 (1884) (stating that "[w]hen a petition is amended by leave of the court, the cause proceeds on the amended petition."); Snyder v. Pascack Valley Hosp., 303 F.3d 271, 276 (3d Cir. 2002); New Rock Asset Partners, L.P. v. Preferred Entity Advancements, Inc., 101 F.3d 1492, 1504 (3d Cir. 1996) (finding that the amended complaint supersedes the original and renders it of no legal effect).

6. Defendants' motion to dismiss (Doc. 20) plaintiff's complaint is DISMISSED as moot.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge