



On July 16, 2019, Plaintiff, a self-represented inmate, filed a Complaint pursuant to 42 U.S.C. § 1983 alleging Defendants violated his constitutional rights by assigning him an upper bunk at Southern State Correctional Facility despite knowledge of his medical need for a lower bunk. After a fall from the upper bunk, Plaintiff further alleges Defendants failed to provide adequate medical care to address his injuries and retaliated against him for lodging complaints and grievances.

On August 26, 2019, Plaintiff filed an Amended Complaint naming additional defendants and asserting more detailed factual allegations. On September 12, 2019, Defendants filed a motion to dismiss the original Complaint, and the next day Defendants received the Amended Complaint. Shortly thereafter, they filed a motion for an extension of time to respond to the Amended Complaint because their motion to dismiss was directed at Plaintiff's original Complaint, which the Magistrate Judge granted.

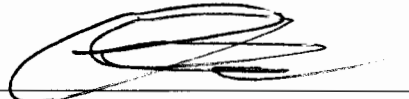
"[I]t is well settled that an amended pleading ordinarily supersedes the original and renders it of no legal effect[.]" *Hancock v. City of Rensselaer*, 882 F.3d 58, 63 (2d Cir. 2018) (internal quotation marks omitted). Because Plaintiff's Amended Complaint supersedes his original Complaint, the Magistrate Judge correctly concluded that Defendants' motion to dismiss the initial Complaint should be denied as moot.

### CONCLUSION

For the foregoing reasons, the court hereby ADOPTS the Magistrate Judge's R & R (Doc. 38) as the court's Opinion and Order and DENIES AS MOOT Defendants' motion to dismiss. (Doc. 21.)

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 13<sup>th</sup> day of February, 2020.

  
\_\_\_\_\_  
Christina Reiss, District Judge  
United States District Court