

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN DORN,)	
Plaintiff,)	
)	No. 1:15-cv-359
-v-)	
)	HONORABLE PAUL L. MALONEY
MICHIGAN DEPARTMENT OF CORRECTIONS,)	
ET AL.,)	
Defendants.)	
_____)	

ORDER DISMISSING AS MOOT DEFENDANTS’ MOTION TO DISMISS

On May 7, 2015, Defendants filed a motion to dismiss. (ECF No. 13.) On May 27, Plaintiff filed a First Amended Complaint. (ECF No. 15.) The amended complaint was timely filed under Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure.

When filed, an amended complaint supercedes the original complaint, which becomes a nullity. *See Drake v. City of Detroit*, 266 F.App’x 444, 448 (6th Cir. 2008); *Klyce v. Ramirez*, 852 F.2d 568, 1988 WL 74155, at *3 (6th Cir. July 19, 1998) (per curiam) (unpublished table opinion) (collecting cases from other circuits). An amended complaint filed after a motion to dismiss has been filed renders the motion to dismiss moot. *See Bancoult v. McNamara*, 214 F.R.D. 5, 13 (D.D.C. 2003) (“Because the original complaint now is superceded by the amended complaint, the court denies without prejudice all pending motions pertaining to the original complaint.”).

Therefore, Defendants’ motion to dismiss (ECF No. 13) is **DISMISSED AS MOOT. IT IS SO ORDERED.**

Date: June 1, 2015

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge