

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

B. P. J., et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:21-cv-00316

WEST VIRGINIA STATE BOARD OF EDUCATION, et al.,

Defendants.

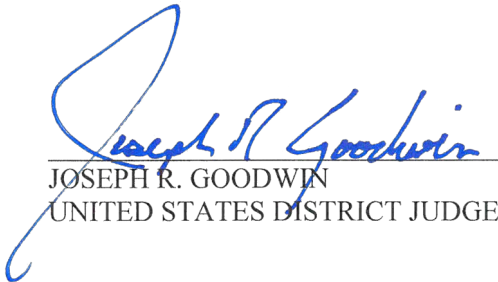
ORDER

Pending before the court are three motions to dismiss filed by Defendants West Virginia State Board of Education and Superintendent W. Clayton Burch [ECF No. 54], Defendant West Virginia Secondary School Activities Commission [ECF No. 56], and Defendants Harrison County Board of Education and Superintendent Dora Stutler [ECF No. 58]. Within 21 days of those motions being filed, Plaintiff filed her First Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B).

“The general rule . . . is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect.” *Skibbe v. Accredited Home Lenders, Inc.*, No. 2:08-CV-01393, 2014 WL 2117088, at *3 (S.D. W. Va. May 21, 2014). While it is not always necessary to deny a motion to dismiss filed prior to an amended complaint as moot, it is often appropriate. *See id.* (“When a plaintiff amends a complaint while a motion to dismiss is pending, a court may deny the motion as moot.”).

For the sake of clarity, Defendants' Motions to Dismiss [ECF Nos. 54, 56, and 58] are **DENIED as moot**. The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 28, 2021



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE