UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

THE SATANIC TEMPLE,

Plaintiff,

v.

RAUL LABRADOR, in his capacity as the Attorney General of Idaho, JAN BENNETTS, in her capacity as Ada County Prosecutor, and THE STATE OF IDAHO,

Defendants.

Case No. 1:22-cv-00411-DCN

ORDER

I. INTRODUCTION AND BACKGROUND

On September 30, 2022, Plaintiff filed the instant lawsuit against Defendants Brad Little and Lawrence Wasden. Dkt. 1

On November 22, 2022, those Defendants filed a Motion to Dismiss. Dkt. 12.

On December 13, 2022, Plaintiffs filed an Amended Complaint against Raul Labrador, Jan Bennetts, and the State of Idaho. Dkt. 15. While listing Raul Labrador as a Defendant is essentially just a substitution by nature of the change in leadership at the Idaho Attorney General's Office, Jan Bennetts and the State of Idaho are

wholly new additions, and Brad Little's exclusion is a formal removal. To clarify matters and outline how this case will move forward, the Court enters the following order.

II. DISCUSSION

First, by filing an Amended Complaint, Plaintiff's original complaint is now moot. *See Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir.1997) (explaining that an "amended complaint supersedes the original, the latter being treated thereafter as non-existent"). Accordingly, any motions to dismiss the original complaint are, likewise, moot. *See Anderson v. Bank of Am., N.A.*, No. 215CV00198EJLREB, 2016 WL 7494304, at *1 (D. Idaho Jan. 13, 2016) ("When a plaintiff files an amended complaint . . . the amended complaint becomes the operative complaint and renders any pending motions to dismiss moot" (cleaned up)). In sum, there is no longer a pending motion to dismiss operating in this case.

Second, Plaintiff's Amended Complaint has added, subtracted, and replaced certain Defendants. The Court is not aware of the status of service regarding the newly named Defendants. Once they are served, and appear, this case can continue to move forward. This may, or may not, include another Motion to Dismiss on similar grounds as the prior motion. Regardless, the Court prefers to keep matters moving in as organized a fashion as possible to alleviate confusion. *See* Fed. R. Civ. P. 1.

III. ORDER

1. Defendants Brad Little and Lawrence Wasden's Motion to Dismiss (Dkt. 12) is DISMISSED as MOOT.
2. Defendants Brad Little and Lawrence Wasden are DISMISSED as Defendants.
3. Once the new Defendants are served, and appear (via motion or appearance), the case will continue forward.

DATED: January 3, 2023

David C. Nye
Chief U.S. District Court Judge