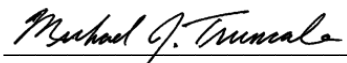


2024) (footnote omitted); *see also Wilson v. Birnberg*, 569 F. App'x 343, 348 (5th Cir. 2014) (citation omitted); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992) (citations omitted). In fact, “if the first complaint is considered superseded by the amendment, the court is not required to dismiss the suit when a motion points up the weaknesses of the earlier pleading.” 6 Wright et al., *supra*, § 1476. Nonetheless, if the defects in the original pleading remain in the new pleading, “the court [] *may* consider the motion as being addressed to the amended pleading.” *Id.* (emphasis added) (footnote omitted); *see also Rountree v. Dyson*, 892 F.3d 681, 683–84 (5th Cir. 2018) (footnote omitted); *Jordan v. City of Phila.*, 66 F. Supp. 2d 638, 641 n.1 (E.D. Pa. 1999) (citation omitted).

III. CONCLUSION

For the foregoing reasons, it is **ORDERED** that Defendant Stephen F. Austin State University’s Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) [Dkt. 28] is hereby **DENIED AS MOOT**.

SIGNED this 5th day of January, 2026.



Michael J. Truncale
United States District Judge