

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

MARK DAVIS, on behalf of himself and
all others similarly situated, et al.,

Plaintiffs,

v.

Case No. 3:17-cv-820-J-34PDB

JULIE JONES, in her official capacity as
an employee of the Florida Department
of Corrections, et al.,

Defendants.

ORDER

1. Plaintiffs' Notice to allow Maggie T. Grace to withdraw her appearance as counsel for Plaintiffs (Doc. 36) is **STRICKEN** from the Court's docket. Plaintiffs must file an appropriate motion in compliance with Local Rule 2.03, Local Rules of the United States District Court for the Middle District of Florida (Local Rule(s)).

2. Plaintiffs' unopposed Motion for Leave to Amend the Complaint (Doc. 37; Motion to Amend) to add Jason Stephens as a named Plaintiff is **GRANTED**.¹ The Court will accept as the operative complaint the proposed amended complaint filed as an Exhibit to the Motion to Amend (Doc. 37-1) and directs the Clerk of Court to file Plaintiffs' Amended Complaint on the Court's docket.

3. Defendants must respond to Plaintiff's Amended Complaint by **May 18, 2018**.

¹ Plaintiffs' counsel filed a supplement to the Motion to Amend, pursuant to Local Rule 3.01(g), indicating that the parties had conferred and Defendants do not object to adding Jason Stephens as an additional named Plaintiff. See Supplement to Motion for Leave to Amend (Doc. 39).

4. Defendants' Motion to Dismiss (Doc. 20) is **DENIED** as moot. See Malowney v. Fed. Collection Deposit Grp., 193 F.3d 1342, 1345 n.1 (11th Cir. 1999) (noting that “[a]n amended complaint supersedes a previously filed complaint”); Meterlogic, Inc. v. Copier Sols., Inc., 185 F. Supp. 2d 1292, 1297 (S.D. Fla. 2002) (noting that the plaintiff’s filing of an amended complaint “rendered moot the parties’ previous pleadings and the defendants’ summary judgment and Daubert motions”).

5. Plaintiff’s Motion to Certify Class (Doc. 24) is **DENIED** as moot. See id. Plaintiffs shall have fourteen days after a ruling on any motions to dismiss the Amended Complaint to file a renewed motion to certify class.

6. Pursuant to Plaintiffs’ Notice of Voluntary Dismissal of John Troy and Khalid Pasha as Named Plaintiffs (Doc. 38) and Rule 41(a)(1)(A)(i), Federal Rules of Civil Procedure, the claims of John Troy and Khalid Pasha are dismissed without prejudice. The Clerk of Court is directed to terminate John Troy and Khalid Pasha as parties to this action.

DONE AND ORDERED at Jacksonville, Florida, this 23rd day of April, 2018.


MARCIA MORALES HOWARD
United States District Judge

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c: Counsel of Record