

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNIVERSITY OF CINCINNATI
CHAPTER OF YOUNG AMERICANS
FOR LIBERTY, *et al.*, Judge

Case

No. 1:12-cv-155

Timothy S. Black

Plaintiffs

v.

GREGORY WILLIAMS, *et al.*,

Defendants.

**ORDER DENYING AS MOOT
DEFENDANT BRITTANY SISCO'S MOTION TO DISMISS AND
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant Brittany Sisko has filed a Motion to Dismiss (Doc. 37) the claims against her in her individual capacity on the grounds that the complaint fails to state a claim and that she is entitled to qualified immunity. Sisko's Motion is directed at the allegations set forth in the First Amended Complaint (Doc. 15). Plaintiffs have also filed a Motion for Partial Summary Judgment (Doc. 43) on the claims asserted in the First Amended Complaint. Because the Court has granted Plaintiffs' Motion for Leave to File the Second Amended Complaint (Doc. 47), the First Amended Complaint is no longer the operative complaint, and motions directed at that pleading are now moot. *See Yates v. Applied Performance Techs., Inc.*, 205 F.R.D. 497, 499 (S.D. Ohio 2002) ("Because amended complaints supersede the original pleading, the filing of the amended complaint in this case did technically render the pending motion to dismiss moot."); *see also* Doc. 53 at 2 (Defendant acknowledges that if the Court grants leave to amend she "will then file a new motion to dismiss, which may rely on different grounds").

Accordingly, Defendant Brittany Sisko's Motion to Dismiss (Doc. 37) and Plaintiffs' Motion for Partial Summary Judgment (Doc. 43) are **DENIED AS MOOT**.

IT IS SO ORDERED.

Date: June 12, 2012

s/Timothy S. Black

Timothy S. Black

United States District Judge