

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 18-cv-00217-REB-KLM

WILLIAM MONTGOMERY,

Plaintiff,

v.

MATTHEW CHERNAK,  
MIKE HOWARD, and  
MATTHEW BROUGH,

Defendants.

---

**MINUTE ORDER**

---

**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Defendants' **Motion to Dismiss** [#10] (the "Motion to Dismiss"), and Defendants' **Motion to Stay Proceedings and to Vacate Scheduling Conference** [#12] (the "Motion to Stay"). On April 25, 2018, after these Motions were filed, Plaintiff filed an Amended Complaint [#14]. "The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded." See, e.g., *Strich v. United States*, No. 09-cv-01913-REB-KLM, 2010 WL 14826, at \*1 (D. Colo. Jan. 11, 2010) (citations omitted). Accordingly,

IT IS HEREBY **ORDERED** that the Motion to Dismiss [#10] filed on April 4, 2018, is **DENIED as moot**.<sup>1</sup>

IT IS FURTHER **ORDERED** that the Motion to Stay [#12] is **DENIED as moot**.

Dated: May 11, 2018

---

<sup>1</sup> On May 9, 2018, Defendants filed a renewed Motion to Dismiss [#17] directed at the Amended Complaint [#14].