

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

BEAUMONT CHAPTER OF THE NAACP
and JESSICA DAYE,

Plaintiffs,

v.

JEFFERSON COUNTY, TEXAS,
JEFFERSON COUNTY COMMISSIONERS
COURT, LAURIE LEISTER, in her official
capacity as the JEFFERSON COUNTY
CLERK, and MARY BETH BOWLING, in
her official capacity as the PRESIDING
JUDGE OF THE JOHN PAUL DAVIS
COMMUNITY CENTER,

Defendants.

CIVIL ACTION NO. 1:22-CV-00488-MJT
JUDGE MICHAEL J. TRUNCALE

ORDER DENYING DEFENDANTS' MOTION TO DISMISS AS MOOT

Before the Court is Defendants' Motion to Dismiss Plaintiffs' Suit for Declaratory and Injunctive Relief. [Dkt. 31]. Defendants move to dismiss Plaintiffs' claims pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). [Dkt. 31]. After considering Defendants' motion and reviewing the pleadings on file and all applicable law, the Court denies the same as moot.

I. BACKGROUND

On November 7, 2022, Plaintiffs filed their original Complaint against Defendants. [Dkt. 1]. On November 29, 2022, Defendants filed a Motion to Dismiss the original Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). [Dkt. 31]. On December 13, 2022,

Plaintiffs filed their First Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). [Dkt. 32].

II. DISCUSSION

Pursuant to Federal Rule of Civil Procedure 15(a), an amended pleading supersedes the pleading it modifies. Fed. R. Civ. P. 15(a); *Pacific Bell Telephone Co. v. linkLine Commc 'ns., Inc.*, 555 U.S. 438, 456 n.4 (2009) (citing 6 Charles Alan Wright & Arthur R. Miller, *Federal Practice & Procedure* § 1476 (2d ed. 1990); *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994); *Boelens v. Redman Homes, Inc.*, 759 F.2d 504, 508 (5th Cir. 1985). “Once an amended pleading is interposed, the original pleading no longer performs any function in the case. . . .” 6 Fed. Prac. & Proc. Civ. § 1476 (3d ed.); *see also Wilson v. Birnberg*, 569 F. App'x 343, 348 (5th Cir. 2014); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). In fact, “if the first complaint is considered superseded by the amendment, the court is not required to dismiss the suit when a motion points up the weaknesses of the earlier pleading.” 6 Fed. Prac. & Proc. Civ. § 1476 (3d ed.). 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.*; *Rountree v. Dyson*, 892 F.3d 681, 683–84 (5th Cir. 2018); *Jordan v. City of Philadelphia*, 66 F. Supp. 2d 638, 641 n.1 (E.D. Pa. 1999).

III. CONCLUSION

For the foregoing reasons, it is **ORDERED** that Defendants’ Motion to Dismiss Plaintiffs’ Suit for Declaratory and Injunctive Relief [Dkt. 31] is hereby **DENIED AS MOOT**.

SIGNED this 14th day of December, 2022.



Michael J. Truncale
United States District Judge