

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FAIR FIGHT ACTION, INC., *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION FILE

NO. 1:18-CV-5391-SCJ

ORDER

This matter appears before the Court on the State Defendants' Motion to Dismiss Plaintiffs' Complaint (Doc. No. [35]) filed on January 28, 2019.

A review of the record shows that Plaintiffs amended their Complaint after the filing of Defendants' motion. Doc. No. [41].

"Under . . . federal law, an amended complaint supersedes the initial complaint and becomes the operative pleading in the case." Lowery v. Ala. Power Co., 483 F.3d 1184, 1219–20 (11th Cir. 2007). Where an amended complaint supersedes the initial complaint, a motion to dismiss as to the initial complaint is rendered moot. See Taylor v. Alabama, 275 F. App'x 836, 838 (11th Cir. 2008)

("Subsequently, [p]laintiffs amended their complaint and Defendants' motion to dismiss became moot.").

Accordingly, the State Defendants' Motion to Dismiss Plaintiffs' Complaint (Doc. No. [35]) is **DEEMED MOOT**.¹

IT IS SO ORDERED this 8th day of April, 2019.



HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE

¹ A ruling on the State Defendants' Renewed Motion to Dismiss (Doc. No. [48]) will issue at a later date.