

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JOSEPH CAIAZZA, on his own behalf
and those similarly situated

Plaintiff,

v.

Case No: 2:18-cv-784-FtM-38MRM

CARMINE MARCENO,

Defendant.

ORDER¹

Before the Court is Defendant Lee County Sheriff's Office's Motion to Dismiss Plaintiff's Complaint ([Doc. 16](#)). Thereafter, Plaintiff Joseph Caiazza filed an Amended Complaint which superseded the original complaint and did not state a claim against the Lee County Sheriff's Office. ([Doc. 17](#)); see *Malowney v. Fed. Collection Deposit Grp.*, [193 F.3d 1342, 1345 n.1 \(11th Cir. 1999\)](#). Thus, the Court denies the Motion to Dismiss as moot.


Accordingly, it is now

ORDERED:

The Motion to Dismiss Plaintiff's Complaint ([Doc. 16](#)) is **DENIED as MOOT**.

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

DONE and **ORDERED** in Fort Myers, Florida this 23rd day of January, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record