

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

M. C. and C. M.,

Plaintiffs,

v.

Case No: 6:18-cv-1486-Orl-41TBS

JEFFREY GEIGER and JOHN DOE,

Defendants.

ORDER

This case comes before the Court on Defendant, Jeffrey Geiger's Motion to Dismiss Plaintiffs' Complaint (Doc. 33). Plaintiffs have filed a response in opposition to the motion (Doc. 36).

Plaintiffs sought to prosecute this case anonymously (Doc. 8). Defendant Jeffrey Geiger opposed the motion (Doc. 32) and sought dismissal on the ground that FED. R. CIV. P. 10(a) requires a complaint to "name all parties." (Doc. 33). The Court denied Plaintiffs' motion to proceed anonymously and gave them leave to amend their complaint (Doc. 35). Plaintiffs have now filed an amended complaint which contains their names (Doc. 37).

The amended complaint resolves Defendant's Rule 10(a) concern and moots the complaint that was the target of Defendant's motion. See Malowney v. Fed. Collection Deposit Grp., 193 F.3d 1342, 1345 n.1 (11th Cir. 1999) (noting that "[a]n amended complaint supersedes an original complaint"); see also Potter v. Lincoln Heritage Life Ins. Co., Case No. 6:16-cv-817-Orl-41KRS, 2016 WL 4055683, at *3, n.5 (M.D. Fla. June 3, 2016); Delta Sigma Theta Sorority, Inc. v. Bivins, No. 2:14-cv-147-FtM-38CM, 2014 WL

7273913, at *11 (M.D. Fla. Dec. 19, 2014); cf. Meterlogic, Inc. v. Copier Sols., Inc., 185 F. Supp. 2d 1292, 1297 (S.D. Fla. 2002) (noting that the plaintiff's filing of an amended complaint "rendered moot the parties previous pleadings and the defendants' summary judgment and Daubert motions"). Therefore, Defendant's motion to dismiss (Doc. 33) is **DENIED as moot.**

DONE and ORDERED in Orlando, Florida on December 26, 2018.



THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties