

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

IRISH 4 REPRODUCTIVE	)	
HEALTH, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	Cause No. 3:18-CV-491-PPS-JEM
vs.	)	
	)	
UNITED STATES	)	
DEPARTMENT OF HEALTH	)	
AND HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the Court on: (1) the Defendant University of Notre Dame’s Motion to Dismiss, filed on October 11, 2018 [DE 35]; and (2) the Federal Defendants’ Motion to Dismiss, filed by R. Alexander Acosta, Alex M. Azar II, Steven Mnuchin, United States Department of Health and Human Services, United States Department of Labor, and the United States Department of the Treasury, on October 11, 2018 [DE 36].

An amended complaint was filed on December 5, 2018. [DE 43.] An amended complaint becomes controlling once it is filed because the prior pleading is withdrawn by operation of law. *Johnson v. Dossey*, 515 F.3d 778, 780 (7th Cir. 2008); *see also Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84*, 133 F.3d 1054, 1057 (7th Cir. 1998). Because the

amended complaint supersedes the complaint, the motions to dismiss [DE 35, 36] are

**DENIED AS MOOT.**

**SO ORDERED.**

ENTERED: December 6, 2018.

s/ Philip P. Simon  
PHILIP P. SIMON, JUDGE  
UNITED STATES DISTRICT COURT