

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Cory Jones, et al. v. Clearfield Police Department, et al.

Jones · No. 1:26-cv-16 DBP · Decided April 27, 2026

SUMMARY

The United States District Court for the District of Utah denied without prejudice Defendants’ Rule 12(b)(6) motion to dismiss. The court held that Plaintiffs’ amended complaint was timely filed as a matter of course under Federal Rule of Civil Procedure 15 and superseded the original complaint.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	Dustin B. Pead
JURISDICTION	United States District Court for the District of Utah
DECIDED	April 27, 2026
DOCKET	1:26-cv-16 DBP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved to dismiss the original complaint under Federal Rule of Civil Procedure 12(b)(6). While the motion was pending, Plaintiffs filed an amended complaint as a matter of course under Rule 15(a)(1). The court denied the motion to dismiss without prejudice.
PRECEDENTIAL VALUE	Unknown
PARTIES	Cory Jones, Cheryl Jones v. Clearfield Police Department, et al.

TOPICS

- motions to dismiss
- motion to amend
- pleadings
- civil procedure
- civil rights

PRACTICE AREAS

- civil procedure
- civil rights
- constitutional law

QUESTIONS PRESENTED

1. Whether Plaintiffs could amend their complaint as a matter of course within 21 days after service of Defendants' Rule 12(b) motion.

2. Whether Defendants' motion to dismiss the original complaint remained operative after Plaintiffs filed a timely amended complaint.

HOLDINGS

1. Under Federal Rule of Civil Procedure 15(a)(1), Plaintiffs could amend their complaint once as a matter of course because they filed the amended complaint within 21 days after service of Defendants' Rule 12(b) motion.
2. A timely amended complaint supersedes the original complaint and renders the original complaint of no legal effect; therefore, a motion directed at the original complaint must be denied without prejudice.

KEY QUOTATIONS

“The “amended complaint supersedes the original complaint and renders the original complaint of no legal effect.”” (text)

FACTUAL BACKGROUND

Cory and Cheryl Jones proceeded pro se and alleged that Defendants violated their Fourth and Fifth Amendment rights in connection with the investigation of their daughter's death in March 2024. Defendants moved to dismiss the original complaint under Rule 12(b)(6). Plaintiffs filed an amended complaint within 21 days after service of the motion.

PROCEDURAL HISTORY

Plaintiffs filed suit alleging Fourth and Fifth Amendment violations arising from Defendants' investigation of their daughter's death. Defendants moved to dismiss on April 13, 2026. Plaintiffs opposed the motion and filed an amended complaint on April 21, 2026. Because the amended complaint superseded the original complaint, the court denied the pending motion without prejudice and permitted Defendants to refile it if appropriate.

DISPOSITION

dismissed

CASES CITED

- Franklin v. Kan. Dep't of Corr., 160 F. App'x 730, 734 (10th Cir. 2005)
- Miller v. Glanz, 948 F.2d 1562, 1565 (10th Cir. 1991)
- Gilles v. United States, 906 F.2d 1386, 1389 (10th Cir. 1990)

OPINION

Jones

PER CURIAM.

THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

Cory Jones, et al., MEMORANDUM DECISION AND
ORDER DENYING WITHOUT

Plaintiffs, PREJUDICE MOTION TO DISMISS v. Case No. 1:26-cv-16 DBP Clearfield Police Department et al., Defendants. Magistrate Judge Dustin B. Pead Cory and Cheryl Jones, who are proceeding pro se in this matter, filed this suit alleging violations of the Fourth and Fifth Amendments in connection with Defendants investigation of their daughter's untimely and tragic death in March 2024. Defendants moved to dismiss Plaintiffs' Complaint under Federal Rule 12(b) (6) on April 13, 2026. In response, Plaintiffs opposed the Motion and filed an Amended Complaint on April 21, 2026. Federal Rule of Procedure 15 allows a party to amend its pleading once as a matter of course no later than "21 days after service of a motion under Rule 12(b)."1 Plaintiffs' Amended Complaint is timely and complies with the Federal Rules.2 The "amended complaint supersedes the original complaint and renders the original complaint of no legal effect."3 Given this, the court will deny without prejudice Defendants' Motion to Dismiss and allow Defendants to refile the motion in response to the Amended Complaint should Defendants choose to do so. Defendants' Motion to Dismiss is DENIED WITHOUT PREJUDICE. 1 Fed. R. Civ. P. 15(a)(1). 2 If Plaintiffs name any new parties in the amended complaint, they must be served formally with a summons and the amended complaint. 3 Franklin v. Kan. Dep't of Corr., 160 F. App'x 730, 734 (10th Cir. 2005) (citing Miller v. Glanz, 948 F.2d 1562, 1565 (10th Cir. 1991)); see also Gilles v. United States, 906 F.2d 1386, 1389 (10th Cir. 1990).

IT IS SO ORDERED

DATED this 27 April 2026. Dustf_B-Pyad ° United Stafes Mapistrate Judge