

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that Plaintiffs' amended complaint was timely filed as a matter of course under Federal Rule of Civil Procedure 15 and superseded the original complaint.

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

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