

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

ROBERT M. MILLER,

*Plaintiff,*

v.

MARTIN J. GRUENBERG, Acting  
Chairman, Federal Deposit Insurance Corp.,  
*et al.*,

*Defendants.*

Civil Action No. 1:21-cv-03035 (CJN)

**ORDER**

This matter is before the Court on Plaintiff Robert Miller's Motion for Leave to Amend his complaint, ECF No. 56, and his First and Second Motions for Sanctions, ECF Nos. 30 and 41. Also pending is Defendants' Motion to Dismiss the original complaint, ECF No. 22.

In light of Miller's *pro se* status, the Court grants Miller leave to amend his complaint. *See Moore v. USAID*, 994 F.2d 874, 876 (D.C. Cir. 1993) ("Pro se litigants are allowed more latitude than litigants represented by counsel to correct defects in . . . pleadings."). Defendants' motion to dismiss the original complaint is accordingly denied as moot. *See Johnson v. D.C.*, Civ. A. No. 13-1445 (JDB), 2015 WL 4396698, at \*5 (D.D.C. July 17, 2015) (denying as moot the defendant's motion to dismiss the original complaint because an amended complaint supersedes an original complaint). Finally, the Court denies Miller's motions for sanctions because Defendants' conduct does not constitute a violation of Rule 11. *See Long v. U.S. Dep't of Justice*, 207 F.R.D. 4, 6 (D.D.C. 2002) ("The Court has discretion to decide whether a Rule 11 violation has occurred and what sanctions should be imposed if there has been a violation.").

Accordingly, it is

**ORDERED** that Plaintiff's Motion for Leave to Amend, ECF No. 56, is **GRANTED**; and it is further

**ORDERED** that Plaintiff's First Amended Complaint, ECF No. 55, shall be docketed as the operative complaint; and it is further

**ORDERED** that Defendants' Motion to Dismiss, ECF No. 22, is **DENIED AS MOOT**; and it is further

**ORDERED** that Defendants shall respond to Plaintiff's First Amended Complaint on or before February 24, 2023; and it is further

**ORDERED** that Plaintiff's First and Second Motions for Sanctions, ECF Nos. 30 and 41, are **DENIED**.

DATE: January 20, 2023

  
\_\_\_\_\_  
CARL J. NICHOLS  
United States District Judge