

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:)
)
KEITH WHITE) CASE NO. 04-40700
)
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on August 9, 2005.

The debtor has objected to a claim filed on behalf of the Internal Revenue Service which has been designated by clerk as claim no. 16. There has been no response to this objection within the time required by the local rules of this court, N.D. Ind. L.B.R. B-3007-1(b) and the matter is before the court for a decision.

The debtor asks that the claim be disallowed. However, the court notes that this claim was amended by claim no. 18. As claim number 16 has been superseded or amended by claim number 18, the debtor does not even need to address it since the original claim has been superceded or amended by the subsequent claim. That claim is no longer pending before the court and of no further force or effect. See Cf., 188 LLC v. Trinity Industries, Inc., 300 F.3d 730, 736 (7th Cir. 2002)(“An amended pleading ordinarily supercedes the prior pleading. The prior pleading is in effect withdrawn. . .and becomes functus officio.”); Kelley v. Crosfield Catalysts, 135 F.3d 1202,1204-05 (7th Cir. 1998)(same).

IT IS THEREFORE ORDERED that the debtor’s objection to claim no. 16 filed by the Internal Revenue Service is overruled.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court