

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, ATHENS DIVISION

Ashaunte Lekori Howard v. Wal-Mart Stores East, LP

Howard · No. 3:25-cv-00183-TES · Decided December 11, 2025

SUMMARY

The United States District Court for the Middle District of Georgia denies Wal-Mart Stores East, LP’s motion to dismiss as moot. The court holds that Plaintiff’s amended complaint superseded the original complaint and did not incorporate or adopt it, leaving the amended complaint as the sole operative pleading.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Athens Division
WRITING FOR THE COURT	Tilman E. Self, III
JURISDICTION	United States District Court for the Middle District of Georgia, Athens Division
DECIDED	December 11, 2025
DOCKET	3:25-cv-00183-TES
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss the original complaint, but plaintiff filed an amended complaint before the motion was resolved.
PRECEDENTIAL VALUE	Unknown; district court order without a reporter citation

TOPICS

- motions to dismiss
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure

QUESTIONS PRESENTED

1. Whether a defendant's motion to dismiss the original complaint becomes moot when the plaintiff files an amended complaint that does not incorporate or adopt the original pleading.

HOLDINGS

1. An amended complaint supersedes the original complaint and renders moot a pending motion to dismiss directed at the original complaint when the amended complaint does not refer to or adopt the earlier pleading.

KEY QUOTATIONS

“an amended complaint supersedes the initial complaint and becomes the operative pleading in the case.”

“the original pleading is abandoned by the amendment, and [it] is no longer a part of the pleader’s averments against h[er] adversary.”

“the original complaint because the motion seeks to dismiss a pleading that has been superseded.”

FACTUAL BACKGROUND

Plaintiff Ashaunte Lekori Howard filed an amended complaint after Wal-Mart Stores East, LP filed an amended motion to dismiss the original complaint. The amended complaint did not refer to or adopt any allegations from the original complaint. The court therefore treated the amended complaint as the sole operative pleading.

PROCEDURAL HISTORY

Plaintiff filed an original complaint. Defendant filed an amended motion to dismiss the original complaint, after which plaintiff filed an amended complaint. The court determined that the amended complaint superseded the original complaint and denied the pending motion to dismiss as moot.

DISPOSITION

dismissed

CASES CITED

- Lowery v. Ala. Power Co., 483 F.3d 1184, 1219 (11th Cir. 2007)
- Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006)
- Hoefling v. City of Miami, 811 F.3d 1271, 1277 (11th Cir. 2016)
- Varnes v. Local 91, Glass Bottle Blowers Ass’n, 674 F.2d 1365, 1370 n.6 (11th Cir. 1982)
- Wimberly v. Broome, No. 6:15-cv-23, 2016 WL 3264346, at *1 (S.D. Ga. Mar. 29, 2016)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION ASHAUNTE LEKORI HOWARD, Plaintiff, v. CIVIL ACTION NO. 3:25-cv-00183-TES WAL-MART STORES EAST, LP, Defendant. ORDER DENYING MOTION TO DISMISS AS MOOT Before Plaintiff Ashaunte Lekori Howard filed her Amended Complaint [Doc. 12], Defendant Wal-Mart Stores East, LP filed its Amended Motion to Dismiss [Doc.

11] the original Complaint [Doc. 1]. Under black letter federal law, “an amended complaint supersedes the initial complaint and becomes the operative pleading in the case.” *Lowery v. Ala. Power Co.*, 483 F.3d 1184, 1219 (11th Cir. 2007) (citations omitted). This means that “the original pleading is abandoned by the amendment, and [it] is no longer a part of the pleader’s averments against h[er] adversary.” *Dresdner Bank AG v. M/V Olympia Voyager*, 463 F.3d 1210, 1215 (11th Cir.

2006) (citation omitted); see also *Hoeftling v. City of Miami*, 811 F.3d 1271, 1277 (11th Cir. 2016) (initial pleading “bec[o]me[s] a legal nullity”). Further, an original complaint would still have legal effect if “the amendment specifically refers to or adopts the earlier pleading.” *Varnes v. Local 91, Glass Bottle Blowers Ass’n*, 674 F.2d 1365, 1370 n.6 (11th Cir.

1982) (citation omitted). An amended complaint that does not incorporate the prior pleading, however, moots “the motion to dismiss the original complaint because the motion seeks to dismiss a pleading that has been superseded.” *Wimberly v. Broome*, No. 6:15-cv-23, 2016 WL 3264346, at *1 (S.D. Ga. Mar. 29, 2016) (citing cases).

The Court has reviewed Plaintiff’s Amended Complaint and found no reference to, or adoption of, any allegations set forth in its original Complaint. Therefore, Plaintiff’s Amended Complaint is the sole operative pleading in this case and renders moot Defendant’s pending Motion to Dismiss.

Accordingly, the Court DENIES Defendant’s Motion to Dismiss [Doc. 11] as moot. SO ORDERED, this 11th day of December, 2025. S/ Tilman E. Self, III TILMAN E. SELF, III UNITED STATES DISTRICT JUDGE