

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 The court holds that Plaintiff’s amended complaint superseded the original complaint and did not incorporate or adopt it, leaving the amended complaint as the sole operative pleading.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“the original complaint because the motion seeks to dismiss a pleading that has been superseded.”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)