

**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

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 Hoefling 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a pleading that has been superseded.”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