

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA

Rodrick D. Reese v. Walmart Stores East, LP

Reese · No. 25-00447-KD-MU · Decided January 5, 2026

SUMMARY

The United States District Court for the Southern District of Alabama construed Rodrick D. Reese’s amended complaint as a motion for leave to amend because it was filed outside the period for amendment as a matter of course under Federal Rule of Civil Procedure 15(a)(1). The Court ordered Walmart Stores East, LP to respond to the motion for leave to amend by January 9, 2026, and noted that Walmart’s motion for an enlargement of time was moot.

CASE DETAILS

COURT	United States District Court for the Southern District of Alabama
WRITING FOR THE COURT	Kristi K. DuBose
JURISDICTION	United States District Court for the Southern District of Alabama
DECIDED	January 5, 2026
DOCKET	25-00447-KD-MU
DISPOSITION	other
PROCEDURAL POSTURE	After Walmart removed Reese's employment-related action to federal court and moved to dismiss, Reese filed an amended complaint without first obtaining leave. The court construed the amended complaint as a motion for leave to amend and ordered Walmart to respond.
PRECEDENTIAL VALUE	unknown

TOPICS

- motion to amend
- pleadings
- civil procedure
- motions to dismiss

PRACTICE AREAS

- civil procedure
- employment law

QUESTIONS PRESENTED

1. Whether an amended complaint filed more than 21 days after service of a Rule 12 motion may be treated as a motion for leave to amend when the pleading appears curative and allowing amendment would not prejudice the opposing party.
2. Whether the court should strike the amended complaint or instead construe it as a motion for leave to amend under the liberal amendment policy of Federal Rule of Civil Procedure 15(a)(2).

HOLDINGS

1. An amended complaint filed outside the period for amendment as a matter of course may be construed as a motion for leave to amend where the court would have granted leave and allowing the amendment would not prejudice the opposing party.

KEY QUOTATIONS

“Instead of striking the amended complaint or deeming it as proper, the Court will construe it as a motion for leave to amend.” (Analysis)

“Accordingly, Walmart is ORDERED to respond to Reese’s motion for leave to amend his complaint on or before January 9, 2026.” (Order)

FACTUAL BACKGROUND

Reese initially sued Walmart Stores, Inc. in state court, although Walmart Stores East, LP was identified as the proper defendant after removal. The original complaint allegedly consisted of a narrative and conclusory allegations without identifying the statute or law purportedly violated. Reese's amended complaint sought to clarify the facts, correct the defendant's identity, and provide a more coherent account of his claims.

PROCEDURAL HISTORY

Reese filed a pro se complaint against Walmart Stores, Inc. in the Circuit Court of Mobile County on September 18, 2025. Walmart removed the action to federal court on November 7, 2025, identifying Walmart Stores East, LP as the proper defendant, and then moved to dismiss based on pleading deficiencies, including alleged shotgun pleading and insufficient allegations of race discrimination and wrongful termination. Reese later filed an amended complaint, a response to the motion to dismiss, and supporting briefing on December 22, 2025. The district court determined that the amended complaint was filed outside the Rule 15(a)(1) period but that leave to amend likely would have been granted, so it construed the pleading as a motion for leave to amend rather than striking it.

DISPOSITION

other

CASES CITED

- In re Engle Cases, 767 F.3d 1082, 1108 (11th Cir. 2014)
- Foman v. Davis, 371 U.S. 178, 182 (1962)

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