

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
LOUISIANA, SHREVEPORT DIVISION

Decalvin Shuntrell Raphiel v. Lloyd Pitchford et al.

Raphiel v. Pitchford · No. 25-cv-1119 · Decided December 11, 2025

SUMMARY

The court granted Defendant Lloyd Pitchford’s motion to strike Plaintiff’s untimely amended complaint, which was filed without consent or leave of court, and denied Plaintiff’s motion to ratify it. The court allowed Plaintiff until December 29, 2025, to seek leave to file an amended and restated complaint identifying the defendants and claims he intends to pursue.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Louisiana, Shreveport Division                                                                                                                                                                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Mark L. Hornsby                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| JURISDICTION          | United States District Court for the Western District of Louisiana, Shreveport Division                                                                                                                                                                                                                                                                                                                                                                                               |
| DECIDED               | December 11, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| DOCKET                | 25-cv-1119                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Plaintiff filed a civil action in Shreveport City Court, which was removed to federal court on federal-question jurisdiction. After Defendant Pitchford moved to dismiss, Plaintiff filed an amended complaint one day beyond the Rule 15 deadline and without consent or leave. The court granted Pitchford's motion to strike, denied Plaintiff's motion to ratify and motion to re-serve a proper defendant, and allowed Plaintiff to seek leave to amend by a specified deadline. |
| PRECEDENTIAL VALUE    | Unknown; memorandum order from a federal district court with no reporter citation                                                                                                                                                                                                                                                                                                                                                                                                     |

TOPICS

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

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Plaintiff's amended complaint, filed one day after the Rule 15 deadline and without consent or leave of court, should be stricken.
2. Whether Plaintiff should be allowed to ratify the untimely amended complaint.
3. Whether omission of a current defendant from a proposed amended complaint constitutes dismissal of that defendant.
4. Whether Plaintiff should be granted an opportunity to seek leave to file a new amended and restated complaint.
5. Whether Plaintiff's motion to re-serve a proper defendant should be granted.

## HOLDINGS

1. An amended complaint filed after the Rule 15 deadline and without the opposing party's consent or leave of court is procedurally unauthorized and may be stricken as of no effect.
2. An amended complaint that omits a current defendant is equivalent to dismissal of that defendant, if the amendment is allowed.
3. At the early stage of the case, where no scheduling order or amended-pleadings deadline exists and amendment may cure defects identified in a motion to dismiss, the court may allow the plaintiff to seek leave to amend despite an earlier defective amendment.
4. A motion to ratify an amended complaint filed beyond the Rule 15 deadline and without consent or leave is denied; the plaintiff must instead seek leave to file an amended complaint through the proper procedure.

## KEY QUOTATIONS

*“an amended complaint that omits a defendant is equivalent to dismissal of that defendant.”* (3)

*“The amended complaint (Doc. 36) is stricken and of no effect.”* (3)

*“Any current defendant who is not named in such an amended complaint will be deemed to have been dismissed from this case if leave to amend is granted.”* (3)

## FACTUAL BACKGROUND

Plaintiff filed an amended complaint after Defendant Pitchford served a motion to dismiss, but the amendment was filed one day after the applicable Rule 15 deadline. The amended complaint named Trans Union, LLC and Experian Information Solutions, Inc. in the caption but omitted Pitchford and other defendants, and Plaintiff filed it without consent or leave of court.

## PROCEDURAL HISTORY

The action was originally filed in Shreveport City Court and removed to the Western District of Louisiana. Defendant Lloyd Pitchford filed and served a motion to dismiss on September 11, 2025. Plaintiff then filed an amended complaint one day late, prompting Pitchford's motion to strike. Plaintiff sought to ratify the amended complaint, but the court struck it and allowed Plaintiff until December 29, 2025, to file a motion for leave to amend.

#### DISPOSITION

other

#### CASES CITED

- Mann v. City of Bossier, 2024 WL 4277461 (W.D. La. 2024)

#### OPINION

Decalvin Shuntrell Raphiel v. Lloyd Pitchford et al

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

SHREVEPORT DIVISION

DECALVIN SHUNTRELL RAPHIEL CIVIL ACTION NO. 25-cv-1119

VERSUS JUDGE S. MAURICE HICKS, JR.

LLOYD PITCHFORD ET AL MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Decalvin Shuntrell Raphiel (“Plaintiff”) filed this civil action in Shreveport City Court, and it was removed to this court based on federal question jurisdiction. Defendant Lloyd Pitchford filed and served a motion to dismiss on September 11, 2025. Rule 15 allowed Plaintiff the opportunity to file an amended complaint within 21 days after service of the motion. Plaintiff filed an amended complaint, but he waited one day after the deadline to do so. The proposed amended complaint (Doc. 36) lists in its caption defendant Trans Union, LLC and Experian Information Solutions, Inc. It does not identify any other defendants. Mr. Pitchford filed a Motion to Strike Plaintiff’s Amended Complaint (Doc. 43) on the grounds that it was untimely and filed without consent of the defendant or leave of court. Mr. Pitchford also complained that Plaintiff changed the defendant designation from Mr. Pitchford to Experian, although Mr. Pitchford should have been happy about that; an amended complaint that omits a defendant is equivalent to dismissal of that defendant. Mann v. City of Bossier, 2024 WL 4277461 (W.D. La. 2024). Plaintiff responded that he merely made a one-day timing error and urged that leave to amend be allowed based on the liberal Rule 15 policy. Plaintiff also filed a Motion for Leave to Ratify Amended Complaint (Doc. 51) by which he seeks to cure his error. Pitchford’s Motion to Strike Plaintiff’s Amended Complaint (Doc. 43) is granted because Plaintiff filed his amended complaint (Doc. 36) beyond the time limit

and without consent of the defendant or leave of court. The amended complaint (Doc. 36) is stricken and of no effect. Plaintiff's Motion for Leave to Ratify Amended Complaint (Doc. 51) is denied. In light of the policy that generally favors filing an amended complaint in an effort to cure defects noted in a motion to dismiss, and considering the early stage of the case and the lack of a scheduling order or amended pleadings deadline, Plaintiff is allowed until December 29, 2025 to file a motion for leave to amend his complaint. Any such amendment will be treated as an amended and restated complaint that supersedes all prior complaints. The proposed amended complaint should (1) specifically identify the defendant(s) that Plaintiff intends to sue and (2) state clearly and concisely Plaintiff's best case in support of the claims that he wishes to pursue. Any current defendant who is not named in such an amended complaint will be deemed to have been dismissed from this case if leave to amend is granted. For example, if Plaintiff chooses to sue Experian rather than Mr. Pitchford, then Mr. Pitchford will be deemed dismissed and his motion to dismiss will be denied as moot. Similarly, Plaintiff has stated that he wishes to sue Trans Union, LLC rather than Tiffani Chambers. This is his chance to make that clear. For that reason, Plaintiff's Motion to Re-Serve Proper Defendant (Doc. 41) is denied. Unless all defense counsel indicate their consent to any such proposed amendment, the motion for leave to amend will be noticed for briefing to present a reasonable opportunity for the defendants to respond. If the only objection that defense counsel have is their perceived futility of the proposed claims, then leave to amend will be granted, and the defendants can make their futility arguments in motions to dismiss or for summary judgment. If Plaintiff does not file a motion for leave to amend by the December 29 deadline, then he will have to stand on his original complaint. No further amendments will be allowed absent a showing of good cause. **THUS DONE AND SIGNED** in Shreveport, Louisiana, this 11th day of December, 2025. =| Mark L. Hornsby U.S. Magistrate Judge Page 3 of 3