

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)

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