

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
GEORGIA, MACON DIVISION

Willie F. Wright, Jr. and Tiffani A. Blash v. Allstate Vehicle and  
Property Insurance Company

Wright v. Allstate · No. 5:25-cv-503 (MTT) · Decided February 10, 2026

SUMMARY

The United States District Court for the Middle District of Georgia denies the pro se plaintiffs’ motion to amend their second amended complaint because the proposed pleading does not fully comply with the Court’s prior instructions. The Court grants a final opportunity to amend, provides detailed requirements concerning jurisdiction, factual allegations, claims, Rule 11, and disclosure of AI use, denies the motion to transfer, and denies the defendant’s motion to dismiss as moot.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                       |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Georgia, Macon Division                                                                                                                                                                                                                                       |
| WRITING FOR THE COURT | Marc T. Treadwell                                                                                                                                                                                                                                                                                                     |
| JURISDICTION          | United States District Court for the Middle District of Georgia, Macon Division                                                                                                                                                                                                                                       |
| DECIDED               | February 10, 2026                                                                                                                                                                                                                                                                                                     |
| DOCKET                | 5:25-cv-503 (MTT)                                                                                                                                                                                                                                                                                                     |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Plaintiffs moved to amend their second amended complaint, moved to transfer the case back to the Northern District of Illinois, and sought to proceed despite subject-matter-jurisdiction pleading deficiencies. Defendant moved to dismiss based on Plaintiffs' alleged failure to submit to examination under oath. |
| STANDARD OF REVIEW    | The order applies the federal pleading and subject-matter-jurisdiction requirements and exercises discretion on amendment and transfer motions; no separately stated standard of review appears.                                                                                                                      |
| PRECEDENTIAL VALUE    | unpublished district court order; generally nonprecedential                                                                                                                                                                                                                                                           |

TOPICS

motion to amend

subject matter jurisdiction

pleadings

motions to dismiss

civil procedure

## PRACTICE AREAS

civil procedure

federal jurisdiction

pleadings

insurance litigation

## QUESTIONS PRESENTED

1. Whether Plaintiffs should be permitted to file a third amended complaint after failing to fully comply with the court's prior amendment instructions.
2. Whether the case should be transferred back to the Northern District of Illinois because of concerns about subject-matter jurisdiction.
3. Whether Defendant's motion to dismiss based on Plaintiffs' failure to submit to examination under oath remained viable.
4. What jurisdictional, factual, claim-specific, and Rule 11 disclosures Plaintiffs must include in a further amended complaint.

## HOLDINGS

1. The court denied Plaintiffs' motion to amend because the proposed third amended complaint still failed to fully comply with the court's prior amendment order.
2. An amended complaint supersedes the prior complaints, which become legal nullities; Plaintiffs may not incorporate or rely on their prior complaints after filing the amended complaint.
3. If the court lacks subject-matter jurisdiction and the plaintiff does not cure the jurisdictional deficiency, the court must dismiss the action rather than transfer it back to another federal district court.
4. Plaintiffs were ordered to file a further amended complaint containing specified sections addressing the parties, jurisdiction, facts, and claims, including factual allegations establishing jurisdiction and linking each claim to a named defendant.
5. Although Plaintiffs' proposed amended complaint did not comply fully with the prior order, the court exercised discretion to provide a final opportunity to amend because Plaintiffs were proceeding pro se.

## KEY QUOTATIONS

*“The third amended complaint will take the place of, and supersede, the Plaintiffs’ former complaints.”*

*“the filing of an amended pleading renders the previous pleading a “legal nullity”.”*

*“if the Court lacks subject matter jurisdiction, it must dismiss this case, not transfer it to another federal district court.”*

## FACTUAL BACKGROUND

Plaintiffs brought an action against Allstate Vehicle and Property Insurance Company. After transfer from the Northern District of Illinois, the Middle District of Georgia found that Plaintiffs' pleadings lacked sufficient

factual allegations supporting subject-matter jurisdiction. Plaintiffs' proposed third amended complaint attempted to address the court's prior instructions but still did not fully comply.

## PROCEDURAL HISTORY

The Northern District of Illinois transferred the case to the Middle District of Georgia in October 2025. The Middle District ordered Plaintiffs to amend their first amended complaint because of insufficient factual allegations supporting subject-matter jurisdiction. After Plaintiffs filed a second amended complaint, they moved to file a third amended complaint. The court denied that motion, denied the transfer motion, denied Defendant's motion to dismiss as moot, and granted Plaintiffs a final opportunity to amend by March 3, 2026.

## DISPOSITION

other

## REMAND INSTRUCTIONS

No remand was ordered. Plaintiffs were ordered to amend their second amended complaint by March 3, 2026, following the specified instructions concerning party identification, subject-matter jurisdiction, factual allegations, claims, Rule 11 compliance, and disclosure of AI assistance. The motion to amend was denied, the motion to transfer was denied, and Defendant's motion to dismiss was denied as moot.

## CASES CITED

- *Hoefling v. City of Miami*, 811 F.3d 1271, 1277 (11th Cir. 2016)
- *Brown v. Tallahassee Police Department*, 205 F. App'x 802, 802 (11th Cir. 2006)
- *Lopez v. Aransas County Independent School District*, 570 F.2d 541, 544 (5th Cir. 1978)
- *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc)
- *Travaglio v. American Express Co.*, 735 F.3d 1266, 1268 (11th Cir. 2013)
- *McCormick v. Aderholt*, 293 F.3d 1254, 1257–58 (11th Cir. 2002)