

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, NASHVILLE DIVISION

Eric C. Pendleton v. Randy Kennedy, et al.

No. 3:24-cv-00252 (M.D. Tenn.) · No. 3:24-cv-00252 · Decided March 6, 2026

SUMMARY

The court grants the plaintiff’s motion for reconsideration, vacates its prior dismissal for failure to prosecute, and reinstates the case to the active docket. It denies without prejudice the motion for appointment of counsel and motions concerning service and insurance records. The court gives the plaintiff one additional opportunity to file a complete amended complaint before conducting the required screening under 28 U.S.C. § 1915(e).

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Nashville Division
WRITING FOR THE COURT	Eli J. Richardson
JURISDICTION	United States District Court for the Middle District of Tennessee, Nashville Division
DECIDED	March 6, 2026
DOCKET	3:24-cv-00252
DISPOSITION	vacated
PROCEDURAL POSTURE	Plaintiff moved for reconsideration or vacation of the dismissal of his pro se civil-rights action, appointment of counsel, service by United States Marshal, and compelled production of insurance records after the action had been dismissed for failure to comply with a court order and for want of prosecution.
STANDARD OF REVIEW	A Rule 59(e) motion may be granted for clear error of law, newly discovered evidence, an intervening change in controlling law, or to prevent manifest injustice. Appointment of counsel in a civil action is reviewed under the district court's discretion and is warranted only in exceptional circumstances.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order; persuasive rather than precedential

TOPICS

motion for reconsideration

civil procedure

motion to amend

section 1983

ada / disability

PRACTICE AREAS

civil procedure

civil rights

disability rights

QUESTIONS PRESENTED

1. Whether the court should reconsider or vacate its dismissal under Federal Rule of Civil Procedure 59(e) because the dismissal rested on a mistaken understanding of a prior order.
2. Whether Plaintiff demonstrated exceptional circumstances warranting appointment of counsel in this civil action.
3. Whether Plaintiff's motions for service by United States Marshal and production of insurance records were ripe before the required screening of his in forma pauperis complaint.
4. Whether Plaintiff could supplement or add claims through separate notices, letters, and supplemental filings rather than a properly filed amended complaint.

HOLDINGS

1. The court granted reconsideration and vacated the prior dismissal because the April 11, 2025 order granted Plaintiff permission to amend but did not require him to file an amended complaint; after the amendment period expired, the court was required to screen the complaint under 28 U.S.C. § 1915(e).
2. Plaintiff was not entitled to appointed counsel at that stage because he did not demonstrate exceptional circumstances, so the motion was denied without prejudice.
3. The motions for service by United States Marshal and to compel production of insurance records were denied without prejudice because they were premature before the court completed screening of the in forma pauperis complaint.
4. Plaintiff may not litigate or add claims through supplements, notices, or letters; any amended complaint must be properly filed, contain all claims and defendants, and not incorporate prior filings by reference.

KEY QUOTATIONS

“The Court’s Order of April 11, 2025 did not require Plaintiff to file an amended complaint.”

“But Plaintiff cannot litigate this action or any action in this Court by way of supplements, notices, and/or letters to the Court.”

FACTUAL BACKGROUND

Plaintiff, proceeding pro se and in forma pauperis, filed an action alleging state-law and federal civil-rights claims. The court granted him permission to amend his complaint and instructed him that an amended complaint must identify all claims and defendants, but the court later determined that the order did not require him to file

an amended complaint. Plaintiff did not file a proper amended complaint and submitted supplemental materials that he sought to have treated as part of his pleading.

PROCEDURAL HISTORY

Plaintiff filed the action on March 5, 2024, alleging state-law claims and claims under 42 U.S.C. §§ 1983, 1985, and 1988, 38 U.S.C. §§ 511(a) and 5301, and the Americans with Disabilities Act. The court granted Plaintiff permission to amend but did not require him to file an amended complaint. After Plaintiff did not file one, the court dismissed the action on May 23, 2025, for failure to comply with a court order and want of prosecution. On reconsideration, the court vacated that dismissal, reinstated the case, denied appointment of counsel without prejudice, denied the service and insurance-record motions without prejudice as premature, and gave Plaintiff 30 days to file an amended complaint.

DISPOSITION

vacated

CASES CITED

- GenCorp, Inc. v. Am. Int'l Underwriters, 178 F.3d 804, 834 (6th Cir. 1999)
- Hill v. Lappin, 630 F.3d 468, 470-71 (6th Cir. 2010)
- Lassiter v. Dep't of Social Servs., 452 U.S. 18, 25 (1981)
- Willett v. Wells, 469 F. Supp. 748, 751 (E.D. Tenn. 1977), aff'd, 595 F.2d 1227 (6th Cir. 1979)
- Williamson v. Autorama, Inc., No. 91-5759, 947 F.2d 947 (6th Cir. 1991)
- Lavado v. Keohane, 992 F.2d 601, 604-05 (6th Cir. 1993)
- Wilson v. United States, No. 3:18-CV-00735, 2021 WL 1088178, at *8 (M.D. Tenn. Mar. 22, 2021)
- Gould v. California Dep't of Corr. & Rehab., No. 19-CV-00015-HSG, 2019 WL 2059660, at *3 (N.D. Cal. May 9, 2019)

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