

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

Glenn Hancock v. Carlos Duffey, et al.

No. 5:25-cv-498 (MTT), United States District Court for the Middle District of Georgia, Macon Division
(February 19, 2026)

SUMMARY

This is an order from the United States District Court for the Middle District of Georgia in Glenn Hancock v. Carlos Duffey, et al. The court grants the plaintiff leave to file a second amended complaint by February 26, 2026, limited to alleging an injury, and explains that the amended complaint will supersede the prior complaints.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	Marc T. Treadwell
DECIDED	February 19, 2026
DOCKET	5:25-cv-498 (MTT)
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order addressing Plaintiff's amended complaint for injunctive and declaratory relief before ruling on Defendants' pending motion to dismiss.
PRECEDENTIAL VALUE	unknown

TOPICS

- motion to amend
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff should be granted leave to amend the complaint to allege an injury before the court rules on Defendants' motion to dismiss.

2. Whether a second amended complaint would supersede and replace Plaintiff's prior complaints in their entirety.

HOLDINGS

1. Plaintiff was granted limited leave to file a second amended complaint by February 26, 2026, solely to allege any injury.
2. A second amended complaint will supersede and replace Plaintiff's previous complaints in their entirety.

KEY QUOTATIONS

"[a]n amended complaint supersedes the initial complaint and becomes the operative pleading in the case."
(483 F.3d at 1219)

FACTUAL BACKGROUND

Plaintiff's amended complaint sought injunctive and declaratory relief but did not allege that he had received a warning or citation. The court stated that, absent an appropriate amendment, it would assume Plaintiff had not received either and allowed amendment solely to allege an injury.

PROCEDURAL HISTORY

Plaintiff filed an amended complaint, and Defendants filed a motion to dismiss. The court granted Plaintiff limited leave to file a second amended complaint by February 26, 2026, solely to allege an injury, and warned that the second amended complaint would supersede all prior complaints.

DISPOSITION

other

CASES CITED

- Hoefling v. City of Miami, 811 F.3d 1271, 1277 (11th Cir. 2016)
- Lowery v. Alabama Power Co., 483 F.3d 1184, 1219 (11th Cir. 2007)

OPINION

HANCOCK

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF GEORGIA

MACON DIVISION

GLENN HANCOCK,)

) Plaintiff,)) v.) CIVIL ACTION NO. 5:25-cv-498 (MTT)) CARLOS DUFFEY, et al.,))
Defendants.) _____)

ORDER

Plaintiff's amended complaint for injunctive and declaratory relief (ECF 9) does not allege that he received a warning or a citation, and absent appropriate amendment, the Court in its ruling on the Defendants' motion to dismiss (ECF 10) will assume he did not. If Plaintiff wishes to amend his complaint to allege an injury, he SHALL do so by February 26, 2026. Leave to amend is granted solely to allege any such injury. However, Plaintiff's second amended complaint will supersede and replace Plaintiff's previous complaints in their entirety. *Hoefling v. City of Miami*, 811 F.3d 1271, 1277 (11th Cir. 2016); *Lowery v. Alabama Power Co.*, 483 F.3d 1184, 1219 (11th Cir. 2007) ("[a]n amended complaint supersedes the initial complaint and becomes the operative pleading in the case."). SO ORDERED, this 19th day of February, 2026. S/ Marc T. Treadwell

MARC T. TREADWELL, JUDGE

UNITED STATES DISTRICT COURT