

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, WESTERN DIVISION

Easton Lloyd Mercy v. Weston Bettelyoun

5:25-CV-05068-RAL · No. 5:25-CV-05068-RAL · Decided February 10, 2026

SUMMARY

The United States District Court for the District of South Dakota denied Easton Lloyd Mercy’s motion to amend his 42 U.S.C. § 1983 complaint because it did not comply with the court’s local rule governing amended pleadings. The court granted Mercy until March 12, 2026, to file a compliant motion and proposed amended complaint, warning that failure to do so would result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Western Division
WRITING FOR THE COURT	Roberto A. Lange
JURISDICTION	United States District Court for the District of South Dakota, Western Division
DECIDED	February 10, 2026
DOCKET	5:25-CV-05068-RAL
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983. After screening dismissed the official-capacity claims against Bettelyoun, Mercy moved to amend by stating only that he wished to add Pennington County as a defendant. The court denied that motion without prejudice and allowed Mercy until March 12, 2026, to file a compliant motion and proposed amended complaint.
STANDARD OF REVIEW	Whether the proposed amendment complied with D.S.D. Civ. LR 15.1 and adequately presented the claims and defendants Mercy sought to pursue.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Easton Lloyd Mercy v. Weston Bettelyoun, Correctional Officer Pennington County Jail, official capacity

TOPICS

motion to amend

pleadings

civil procedure

section 1983

prisoners rights

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether Mercy's motion to amend complied with D.S.D. Civ. LR 15.1.
2. Whether the court should deny the motion to amend while allowing Mercy an opportunity to submit a compliant motion and proposed amended complaint.
3. Whether failure to submit a compliant amended complaint by the court-ordered deadline would warrant dismissal without prejudice for failure to state a claim.

HOLDINGS

1. The motion to amend was properly denied because it did not comply with D.S.D. Civ. LR 15.1, which required Mercy to submit a proposed amended complaint.
2. If Mercy seeks to amend, he must file a motion to amend with a proposed amended complaint containing every claim he wishes to bring against every defendant and complying with D.S.D. Civ. LR 15.1.
3. If Mercy does not file a compliant motion to amend and proposed amended complaint by March 12, 2026, the action will be dismissed without prejudice for failure to state a claim.

KEY QUOTATIONS

“While pro se pleadings are liberally construed, pro se plaintiffs must still follow the court’s local rules.” (at 1)

“an amended complaint supersedes an original complaint and renders the original complaint without legal effect.” (at 1)

FACTUAL BACKGROUND

Mercy, an inmate at the Pennington County Jail, filed a pro se § 1983 action against correctional officer Weston Bettelyoun in his official capacity. The court previously dismissed the claims because Mercy did not allege that Pennington County maintained a policy or custom causing a violation of his federal rights. Mercy sought to amend by stating that he wished to add Pennington County as a defendant, but he did not submit a proposed amended complaint containing all claims against all defendants.

PROCEDURAL HISTORY

Mercy filed a § 1983 complaint against Bettelyoun in his official capacity. The court screened the complaint and dismissed the claims because Mercy had not alleged a Pennington County policy or custom causing a federal-rights violation, but delayed entry of judgment to permit amendment. Mercy then filed a motion to amend that

did not comply with District of South Dakota Civil Local Rule 15.1. The court denied the motion, provided a deadline for filing a compliant motion and proposed amended complaint, and warned that failure to do so would result in dismissal without prejudice for failure to state a claim.

DISPOSITION

other

CASES CITED

- Johnson v. Kaemingk, 381 F. Supp. 3d 1104, 1113 (D.S.D. 2019)
- In re Wireless Tel. Fed. Cost Recovery Fees Litig., 396 F.3d 922, 928 (8th Cir. 2005)
- In re Atlas Van Lines, Inc., 209 F.3d 1064, 1067 (8th Cir. 2000)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF SOUTH DAKOTA WESTERN DIVISION
EASTON LLOYD MERCY, 5:25-CV-05068-RAL Plaintiff, VS. ORDER DENYING MOTION
TO AMEND WESTON BETTELYOUN, Correctional Officer COMPLAINT Pennington County
Jail, official capacity, Defendant. Plaintiff Easton Lloyd Mercy, an inmate at the Pennington
County Jail, filed a pro se civil rights lawsuit under 42 U.S.C. § 1983.

Doc. 1. Mercy brought claims against Weston Bettelyoun, a correctional officer at the Pennington County Jail, in his official capacity only. Id. at 2,4. This Court screened Mercy's complaint and dismissed Mercy's claims against Bettelyoun because Mercy did not allege that Pennington County had a policy or custom that caused a violation of Mercy's federal rights.

Doc. 22 at 6. The Court, however, informed Mercy that it would delay in entering judgment to allow Mercy the opportunity to amend his complaint should he wish to do so. Id. at 6-7. Mercy filed a motion to amend his complaint, stating "I wish to Amend my original complaint by adding Pennington County as the Defendant." Doc. 23 at 1. But this does not comply with LR 15.1 of the Civil Local Rules of Practice for the District of South Dakota.

See D.S.D. Civ. LR 15.1. "While pro se pleadings are liberally construed, pro se plaintiffs must still follow the court's local rules." Johnson v. Kaemingk, 381 F. Supp. 3d 1104, 1113 (D.S.D. 2019). The Court will provide Mercy until March 12, 2026, to file a motion to amend and a proposed amended complaint. If Mercy wishes to amend his original complaint, he must include with his motion to amend a proposed amended complaint that includes each and every claim he wishes to bring against every defendant in this action and he must comply with local rule 15.1.

As this Court informed Mercy when screening his complaint, "an amended complaint supersedes an original complaint and renders the original complaint without legal effect." In re Wireless Tel. Fed. Cost Recovery Fees Litig., 396 F.3d 922, 928 (8th Cir. 2005) (citing In re Atlas Van Lines.

Inc., 209 F.3d 1064, 1067 (8th Cir. 2000)); see also Doc. 22 at 7. Any claim Mercy seeks to bring against any defendant must be included in an amended complaint.

If Mercy does not file a motion to amend along with a proposed amended complaint, his complaint will be dismissed without prejudice for failure to state a claim upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1), as stated in this Court's screening order, Doc. 22.

Accordingly, it is ORDERED that Mercy's motion to amend his complaint, Doc. 23, is denied. If Mercy wishes to amend his original complaint, he must include with his motion to amend a proposed amended complaint that includes each and every claim he wishes to bring against every defendant in this action and he must comply with local rule 15.1. It is further ORDERED that if Mercy does not file a motion to amend along with a proposed amended complaint by March 12, 2026, his complaint will be dismissed without prejudice for failure to state a claim upon which relief may be granted.

DATED February 0, 2026. BY THE COURT: Chol Gee ROBERTO A. LANGE CHIEF JUDGE