

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI, GREENVILLE DIVISION

A.M. by and through next friend, Nakala Murry, and Nakala Murry
v. City of Indianola, Mississippi and Officer Greg Capers

A.M. v. City of Indianola · No. 4:25-CV-53-JDM-DAS · Decided March 9, 2026

SUMMARY

The United States District Court for the Northern District of Mississippi grants Plaintiffs’ motion to amend their complaint under Federal Rule of Civil Procedure 15(a)(2). The court permits the addition of a Mississippi Tort Claims Act claim and dismisses the Defendants’ pending motion for summary judgment as moot.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi, Greenville Division
WRITING FOR THE COURT	David A. Sanders
JURISDICTION	United States District Court for the Northern District of Mississippi, Greenville Division
DECIDED	March 9, 2026
DOCKET	4:25-CV-53-JDM-DAS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved under Federal Rule of Civil Procedure 15(a)(2) for leave to amend their complaint. Defendants opposed the motion and had a pending motion for summary judgment.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 15(a)(2), leave to amend should be freely given when justice so requires, subject to considerations including undue delay, bad faith, repeated failure to cure deficiencies, undue prejudice, and futility.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	A.M. by and through next friend, Nakala Murry, Nakala Murry v. City of Indianola, Mississippi, Officer Greg Capers

TOPICS

motion to amend

summary judgment

government liability

civil procedure

negligence

PRACTICE AREAS

civil procedure

civil rights

torts

municipal law

QUESTIONS PRESENTED

1. Whether plaintiffs should be granted leave under Federal Rule of Civil Procedure 15(a)(2) to file an amended complaint adding a Mississippi Tort Claims Act claim.
2. Whether defendants' pending motion for summary judgment should remain pending after leave to amend was granted.

HOLDINGS

1. Leave to amend should be granted because the motion was timely and none of the recognized grounds for denying amendment—undue delay, bad faith, repeated failure to cure deficiencies, undue prejudice, or futility—was present.
2. The pending motion for summary judgment was dismissed as moot in light of the order granting leave to amend.

KEY QUOTATIONS

“Rule 15 embodies a liberal amendment policy.”

“While futility of amendment is properly considered when deciding whether to grant leave to amend, the court prefers to consider the merits of a new cause of action in the context of a Rule 12(b)(6) or Rule 56 motion, ‘where the procedural safeguards are surer.’”

FACTUAL BACKGROUND

Plaintiffs sought to add a single count alleging a violation of the Mississippi Tort Claims Act. The court noted that defendants were already aware that the claim was being pursued either in this action or in state court. The court found no evidence of bad faith, undue delay, dilatory motive, repeated failure to cure deficiencies, or undue prejudice, and declined to resolve the evidentiary merits of the proposed claim at the amendment stage.

PROCEDURAL HISTORY

The action was pending in the Northern District of Mississippi. Plaintiffs sought to add a count alleging violation of the Mississippi Tort Claims Act. The court granted leave to amend and dismissed defendants' pending motion for summary judgment as moot.

DISPOSITION

other

REMAND INSTRUCTIONS

Plaintiff shall electronically file its First Amended Complaint within seven days of March 9, 2026, in substantially the same form as the pleading submitted in support of the motion at Docket 79-1. Defendants' pending motion for summary judgment was dismissed as moot.

CASES CITED

- SGIC Strategic Global Inv. Capital, Inc. v. Burger King Europe GmbH, 839 F.3d 422, 428 (5th Cir. 2016)
- Clark v. Talcott Resolution Comprehensive Employee Benefits Service Co., 2024 WL 5185412, at *1 (N.D. Miss. July 23, 2024)
- Inline Corp. v. Tricon Restaurants Int'l., 2002 WL 1331885, at *2 (N.D. Tex. June 14, 2002)
- Inline Corp., 2002 WL 5185412, at *2

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI GREENVILLE DIVISION A.M. by and through next friend, NAKALA MURRY, and NAKALA MURRY PLAINTIFFS v. CIVIL ACTION NO. 4:25-CV-53-JDM-DAS CITY OF INDIANOLA, MISSISSIPPI and OFFICER GREG CAPERS DEFENDANTS ORDER Before the Court is Plaintiffs' Motion to Amend Complaint [79], which has been fully briefed and is ripe for review.

Having considered the motion, response, reply, and the authorities cited therein, the Court concludes that the motion should be GRANTED. Because the motion was timely filed, it is governed by FRCP 15(a)(2), which directs that leave should be freely given when justice so requires. *Id.* Leave may be denied for undue delay, bad faith, repeated failure to cure deficiencies, undue prejudice, or futility.

SGIC Strategic Global Inv. Capital, Inc. v. Burger King Europe GmbH, 839 F.3d 422, 428 (5th Cir. 2016). Rule 15 embodies a liberal amendment policy. None of the recognized grounds for denial is present here. There is no evidence of bad faith, undue delay or dilatory motive.

Although this cause has a rocky procedural history, it does not present a repeated failure to cure deficiencies. Nor is the Court prepared to say amendment is futile. "While futility of amendment is properly considered when deciding whether to grant leave to amend, the court prefers to consider the merits of a new cause of action in the context of a Rule 12(b)(6) or Rule 56 motion, 'where the procedural safeguards are surer.'" Clark v. Talcott Resolution Comprehensive Employee Benefits Service Co., 2024 WL 5185412, at *1 (N.D.

Miss. July 23, 2024) (quoting Inline Corp. v. Tricon Restaurants Int'l., 2002 WL 1331885, at *2 (N.D. Tex. June 14, 2002)). The proposed pleading adds a single count for violation of the Mississippi Tort Claims Act—a count which Defendants were well-aware was being pursued,

either here or in state court. Whether those allegations ultimately have an appropriate evidentiary basis is a matter better addressed through a renewed motion for summary judgment.

See *Inline Corp.*, 2002 WL 5185412, at *2. Accordingly, Plaintiffs' Motion to Amend Complaint is hereby GRANTED. Plaintiff shall, within seven days of the date of this Order, electronically file its First Amended Complaint in substantially the same form as that submitted in support of the motion at Docket 79-1.

In light of this Order, Defendant's pending Motion for Summary Judgment [59] is hereby DISMISSED AS MOOT. SO ORDERED, this the 9th day of March, 2026. /s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE