

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, SOUTHEASTERN DIVISION

Garry D. Gibbs v. City of Sikeston, et al.

No. 1:26-cv-00003-SNLJ, United States District Court for the Eastern District of Missouri, Southeastern
Division (March 9, 2026)

SUMMARY

The court denied Garry D. Gibbs’s motion for leave to file an amended complaint because he did not submit a proposed amended complaint and instead attempted to amend piecemeal through supplemental statements. The court also struck the supplemental pleadings from the record for failure to comply with Federal Rule of Civil Procedure 15 and Local Rule 4.07.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Southeastern Division
WRITING FOR THE COURT	Stephen N. Limbaugh, Jr.
JURISDICTION	United States District Court for the Eastern District of Missouri, Southeastern Division
DECIDED	March 9, 2026
DOCKET	1:26-cv-00003-SNLJ
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file an amended complaint and submitted five supplemental statements instead of a proposed amended complaint.
PRECEDENTIAL VALUE	unpublished

TOPICS

- motion to amend
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether plaintiff's submission of five supplemental statements, rather than a single proposed amended complaint, complied with Federal Rule of Civil Procedure 15 and Local Rule 4.07.
2. Whether the supplemental pleadings should be stricken from the record.

HOLDINGS

1. A plaintiff seeking to amend must submit a proposed amended complaint encompassing all allegations and claims he intends to assert; piecemeal amendment through separate supplemental statements is not permitted.
2. A pro se litigant is not exempt from complying with substantive and procedural law.

KEY QUOTATIONS

“ “[A]n amended complaint supercedes an original complaint and renders the original complaint without legal effect.” ” (Memorandum and Order at 1)

“ Plaintiff did not submit a proposed amended complaint with his motion; instead, he submitted five “supplemental statement[s]”—one for each count of the original complaint [Doc. 12]. It is clear that he is attempting to amend his complaint in a piecemeal manner, which is not permitted.” (Memorandum and Order at 1)

FACTUAL BACKGROUND

Garry D. Gibbs sought leave to amend his complaint. He did not submit a proposed amended complaint; instead, he submitted five supplemental statements corresponding to the five counts in his original complaint. The court construed this as an impermissible attempt to amend the complaint piecemeal.

PROCEDURAL HISTORY

Plaintiff filed an original complaint asserting five counts and then moved for leave to amend. Rather than submitting one proposed amended complaint, he submitted five supplemental statements, one for each count. The court denied the motion to amend and struck the supplemental pleadings.

DISPOSITION

other

CASES CITED

- United States v. Vorachek, 563 F.2d 884, 886 (8th Cir. 1977)
- In re Atlas Van Lines, Inc., 209 F.3d 1064, 1067 (8th Cir. 2000)
- Burgs v. Sissel, 745 F.2d 526, 528 (8th Cir. 1984) (per curiam)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION GARRY D. GIBBS,)) Plaintiff,) vs.) Case No. 1:26-cv-00003-
SNLJ) CITY OF SIKESTON, et al.,)) Defendants.) MEMORANDUM AND ORDER This
matter is before the Court on plaintiff's Motion for Leave to File Amended Complaint [Doc. 13].
Amendments to a pleading are governed by Federal Rule of Civil Procedure 15.

An amended pleading encompasses matters that transpired prior to the initiation of the lawsuit; a supplemental pleading encompasses matters that occurred subsequent to the filing of the lawsuit and pertain to the original cause. See Fed.R.Civ.P. 15(d); *United States v. Vorachek*, 563 F.2d 884, 886 (8th Cir. 1977). “[A]n amended complaint supercedes an original complaint and renders the original complaint without legal effect.” *In re Atlas Van Lines, Inc.*, 209 F.3d 1064, 1067 (8th Cir.

2000). Consequently, an amended complaint must encompass all allegations and claims that a plaintiff intends to assert. Plaintiff did not submit a proposed amended complaint with his motion; instead, he submitted five “supplemental statement[s]”—one for each count of the original complaint [Doc. 12]. It is clear that he is attempting to amend his complaint in a piecemeal manner, which is not permitted.

Plaintiff's pro se status does not exempt him from complying with substantive and procedural law. *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir.1984) (per curiam). The motion to amend will be denied for failure to comply with Federal Rule of Civil Procedure 15 and Local Rule 4.07, and the supplemental pleadings will be stricken.

Accordingly, IT IS HEREBY ORDERED that plaintiff's Motion for Leave to File Amended Complaint [Doc. 13] is DENIED and the supplemental pleadings [Doc. 12] are STRICKEN from the record. SO ORDERED this 9th day of March, 2025. STEPHEN N. LIMBAUGH, “ SENIOR UNITED STATES DISTRICT JUDGE