

**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.

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

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