

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

Civil Action No. 5:25-cv-00244-H-BV

KEVIN N. BASS,

Plaintiff,

v.

TEXAS TECH UNIVERSITY HEALTH

SCIENCES CENTER, et al.,

Defendants.

**PLAINTIFF'S MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT
AND BRIEF IN SUPPORT**

Use of Generative Artificial Intelligence (N.D. Tex. LR 7.2(f))

Plaintiff used generative artificial intelligence to assist in drafting this motion. Plaintiff has reviewed the content and accepts full responsibility for it.

Certificate of Conference (N.D. Tex. LR 7.1)

On January 19, 2026, Plaintiff conferred by email with Scott D. Smith, Assistant Attorney General, regarding the relief requested in this motion and requested Defendants' position (opposed or unopposed). Counsel responded that he would check with his client and has not yet stated Defendants' position. Because no agreement was reached, this motion is treated as opposed.

1. Relief requested.

Plaintiff moves for leave under Fed. R. Civ. P. 15(a)(2) and N.D. Tex. LR 15.1 to file the attached Proposed Second Amended Complaint (Exhibit A).

For the Court's convenience, Plaintiff also attaches a short targeted comparison as Exhibit B showing the key narrowing/clarifying deltas.

Plaintiff submits a proposed order (as a separate attachment/file). Consistent with the Court's judge-specific requirements, after the motion is docketed Plaintiff will email an editable proposed order (Word/WordPerfect format) to Hendrix_Orders@txnd.uscourts.gov with a subject line that includes the case number and the motion's docket number.

2. Rule 15(a)(2) standard.

Rule 15(a)(2) provides that the Court "should freely give leave when justice so requires." In deciding whether to grant leave, courts consider undue delay, bad faith, repeated failure to cure deficiencies, undue prejudice, and futility. See *Foman v. Davis*, 371 U.S. 178 (1962).

3. Summary of proposed amendments (Exhibit A).

The Proposed Second Amended Complaint is a NARROWING AND CURATIVE amendment: it tightens and clarifies the operative allegations, eliminates potential confusion, and completes party identification for the same core transaction already at issue—without injecting any new, unrelated factual scenario. In particular, it:

a. Adds one individual-capacity defendant: David Trotter, Ph.D. (Student Conduct Administrator), for his alleged role in consolidation notice / pre-hearing procedure communications and related due-process

deprivations, and pleads relation-back as applicable.

b. Clarifies “who did what” factual allegations concerning the consolidation notice and pre-hearing administration of Plaintiff’s December 2023 disciplinary proceeding, tightening role attribution for the same core events already pleaded.

c. Clarifies federal–state lane separation by expressly disclaiming any request in this federal action to enforce TTUHSC OP 77.13 or Texas Government Code § 559.004 record-procedure mechanics, and by clarifying that any separate state record-procedure matter is narrowly limited to non-duplicative, post-December 30, 2025 inspection/review and response mechanics.

d. Clarifies requested prospective relief vehicles (Title II / Ex parte Young and a narrow § 1983 procedural name-clearing claim) and clarifies that Plaintiff is not presently seeking preliminary injunctive relief by motion; any interim relief (if later sought) would be presented by a separate Rule 65 motion supported by evidence.

4. Leave should be granted; the amendment is narrowing/curative and causes no undue delay or prejudice. This case remains at an early stage. To Plaintiff’s knowledge, no defendant has filed a responsive pleading and no notice of appearance has been filed on the docket. No discovery has occurred. The proposed amendments are sought in good faith to improve clarity and accuracy and to name an additional alleged participant in the same challenged disciplinary process. Granting leave will not unduly prejudice any defendant. The proposed amendments are chiefly curative (clarifying and tightening) and narrowing (removing potential lane-overlap and embedded interim-relief language), and the only party addition (Dr. Trotter) is tied to the same pre-hearing notice/procedure communications already at the center of this case.

5. Prayer.

Plaintiff respectfully requests that the Court grant leave to file the Proposed Second Amended Complaint (Exhibit A) and grant such other relief as the Court deems just.

Dated: January 20, 2026

Respectfully submitted,

/s/ Kevin N. Bass

Kevin N. Bass, Pro Se

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Phone: 512-333-4092

Email: kbassphiladelphia@gmail.com

CERTIFICATE OF SERVICE

On January 20, 2026, I served a true and correct copy of this motion and its attachments by U.S. mail on Scott D. Smith, Assistant Attorney General, Office of the Attorney General of Texas, P.O. Box 12548, Austin, Texas 78711-2548. A courtesy copy was also sent by email to scott.smith@oag.texas.gov.

/s/ Kevin N. Bass

Kevin N. Bass