

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

KEVIN N. BASS,
Plaintiff,

v.

TEXAS TECH UNIVERSITY HEALTH
SCIENCES CENTER, et al.,
Defendants.

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

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO WITHDRAW
PROPOSED SECOND AMENDED COMPLAINT AND SUBSTITUTE
PROPOSED THIRD AMENDED COMPLAINT**

Before the Court is Plaintiff's Motion for Leave to Withdraw Proposed Second Amended Complaint and Substitute Proposed Third Amended Complaint Based on Newly Discovered Evidence (Doc. ____). Having considered the motion, the Court finds that leave to amend should be freely given when justice so requires under Federal Rule of Civil Procedure 15(a)(2), and that none of the factors warranting denial under *Foman v. Davis*, 371 U.S. 178, 182 (1962), are present.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion is GRANTED.
2. The Proposed Second Amended Complaint filed with Doc. 26 is WITHDRAWN.
3. The Proposed Third Amended Complaint attached to Plaintiff's Motion is accepted as the operative pleading.
4. Defendants' Motion to Dismiss (Doc. 27) is DENIED AS MOOT without prejudice to refile directed at the operative Third Amended Complaint.
5. Defendants shall file any responsive pleading or motion directed at the Third Amended Complaint within the time prescribed by the Federal Rules of Civil Procedure.

SO ORDERED.

SIGNED this ____ day of _____, 2026.

JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE