

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.

§
§
§
§
§
§
§
§
§
§

No. 5:25-CV-244-H-BV

**ORDER DENYING LEAVE TO FILE REPLY IN EXCESS
OF PAGE LIMIT AND DENYING LEAVE TO AMEND**

Pro se Plaintiff Kevin N. Bass seeks leave to file a second amended complaint and a reply brief that exceeds ten pages. Dkt. Nos. 32, 40. Bass's proposed amended complaint is anything but the short and plain statement contemplated by the federal rules, and he has not supplied an extraordinary or compelling reason to allow a reply brief that exceeds the page limit. Thus, the Court denies his motions.

1. Procedural Background

Bass filed his original complaint in November 2025, and before Defendants filed a responsive pleading, Bass amended his complaint as a matter of course. Dkt. Nos. 1, 14. Bass then sought leave to file a second amended complaint, Dkt. No. 26, but one day later, Defendants filed a motion to dismiss Bass's first amended complaint. Dkt. No. 27. Before the Court ruled on Bass's motion to file a second amended complaint, he filed the instant motion for leave to file what he calls a third amended complaint. Dkt. No. 32. In his motion, Bass seeks to "withdraw the Proposed Second Amended Complaint filed with

Doc. 26” and to “substitute the . . . Proposed Third Amended Complaint . . . based on newly discovered evidence.” *Id.* at 1.

Defendants oppose Bass’s request. Dkt. No. 39. They note that Bass has already amended once as a matter of course, and “[c]ourts routinely deny leave to amend where a plaintiff seeks leave to revise the complaint only after a motion to dismiss exposes legal defects that additional factual allegations cannot cure.” *Id.* at 3 (citing cases).

Defendants further argue that amendment would be futile because Bass has not cured the deficiencies identified in their motion to dismiss, and the purported “new evidence” does not justify amendment. *Id.* at 4–6.

Bass also seeks leave to file a reply exceeding the ten-page limit set by the local rules. Dkt. No. 40. He asserts that because “Defendants raised multiple grounds for denying leave to amend” but failed “to address any of the proposed Third Amended Complaint’s 215 paragraphs,” he “cannot adequately respond[.]” *Id.* at 1.

Bass also filed his reply, asserting that Defendants’ failure to conduct a futility analysis renders that argument void but nonetheless explaining why amendment would not be futile. *See* Dkt. No. 41 at 2–11. And he addresses Defendants’ characterization of his amendments as “serial” and their discussion of his use of Family Educational Rights and Privacy Act (FERPA) inspections. *Id.* at 11–14. He attaches his declaration and 122 pages of exhibits, which ostensibly relate to his FERPA argument. Dkt. Nos. 41-1, 41-2.

2. Legal Standards

A. Briefing Page Limits under Local Civil Rule 7.2(c)

Local Civil Rule 7.2 provides that a reply brief may not exceed 10 pages. N.D. Tex. Loc. Civ. R. 7.2(c). To obtain leave to exceed this limit, a party must show “extraordinary and compelling reasons.” *Id.*

B. Amendment under Federal Rules of Civil Procedure 8 and 15

Under Rule 15(a), the court should “freely” grant leave to amend “when justice so requires.” Fed. R. Civ. P. 15(a)(2). “Rule 15(a)(2) evinces a bias in favor of granting leave to amend,” but “leave to amend is by no means automatic[.]” *Clark v. Dep’t of Pub. Safety & Corr.*, 141 F.4th 653, 661 (5th Cir. 2025) (internal quotation marks and citations omitted). There must be “a substantial reason to deny leave to amend[.]” and “futility of the amendment” can provide such reason. *Id.* (citations omitted).

“Amending pleadings would be futile if the complaint as amended would be subject to dismissal” under Rule 12(b)(6). *Id.* (internal quotation marks and citations omitted). A complaint must comply with Rule 8 to survive a motion to dismiss. *See Jumonville v. Dep’t of Treasury*, No. 94-30583, 1995 WL 136507, at *3 (5th Cir. Mar. 16, 1995) (affirming denial of leave to amend where plaintiff’s “proposed third amended complaint, although shorter than the three previous ones, still d[id] not comply with Rule 8,” so amendment “would have been futile”); *Landavazo v. Toro Co.*, 301 F. App’x 333, 337 (5th Cir. 2008) (per curiam) (explaining that because complaint did not comply with Rule 8, amendment would have been futile and district court did not err in denying leave to amend).

Rule 8(a) of the Federal Rules of Civil Procedure provides that a plaintiff's complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief" with allegations that are "simple, concise, and direct." Fed. R. Civ. P. 8(a)(2), (d). The rule was created to "give the defendant fair notice of what the . . . claim is and the grounds upon which it rests." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (citation omitted). Stated differently, the "underlying purpose of Rule 8" is to "[e]liminate prolixity in pleading and to achieve brevity, simplicity, and clarity." *Gordon v. Green*, 602 F.2d 743, 746 (5th Cir. 1979) (quoting *Knox v. First Sec. Bank of Utah*, 196 F.2d 112, 117 (10th Cir. 1952)). Litigants should avoid "unnecessary prolixity in a pleading" because it "places an unjustified burden on the court and the party who must respond to it because they are forced to select the relevant material from a mass of verbiage." *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988) (citation omitted).

"Rule 8(a) requires parties to make their pleadings straightforward, so that judges and adverse parties need not try to fish a gold coin from a bucket of mud." *U.S. ex rel. Garst v. Lockheed-Martin Corp.*, 328 F.3d 374, 378 (7th Cir. 2003). This requirement is so important that in some cases, "verbosity or repetition w[ill] justify final dismissal by a trial court." *Atwood v. Humble Oil & Refining Co.*, 243 F.2d 885, 889 (5th Cir. 1957).

A pro se plaintiff's complaint is "entitled to a liberal reading." *Payton v. United States*, 550 F. App'x 194, 195 (5th Cir. 2013) (per curiam) (citing *Haines v. Kerner*, 404 U.S. 519, 520 (1972)). But pro se plaintiffs must still comply with "procedural standards," including Rule 8. *Id.*; accord *Johnson v. E. Baton Rouge Fed'n of Teachers*, 706 F. App'x 169, 171 (5th Cir. 2017) (per curiam) (agreeing "that even though some

greater degree of leniency should be afforded a party proceeding *pro se*, *pro se* complaints are still required to comply with Rule 8(a)(2)").

2. Analysis

First, Bass has not shown extraordinary or exceptional circumstances justifying a reply brief that exceeds the page limit. He argues that more pages are needed because he cannot address Defendants' "multiple grounds for denying leave . . . while presenting the categories of unanswered evidence that demonstrate the [proposed amendment] is not futile." Dkt. No. 40. As discussed below, however, Bass need not present evidence at the pleading stage. And more broadly, Bass's conclusory assertion that he needs more pages does not establish exceptional circumstances. Thus, Bass is not entitled to relief.

The first page of Bass's reply brief is a table of contents, so the Court has only considered Bass's arguments through page 11 of his reply brief. *See HCC Aviation Ins. Grp., Inc. v. Emps. Reinsurance Corp.*, No. 3:05-CV-744(BH), 2008 WL 850419, at *3 (N.D. Tex. Mar. 21, 2008) ("Because Petitioners' reply brief exceeded the page limit without leave to do so, only the first ten pages will be considered."). However, even if the Court had considered Bass's full reply brief, it would not have changed the outcome because amendment is futile.

Defendants assert that amendment is futile based on Bass's failure to address the deficiencies raised in their motion to dismiss. Dkt. No. 39 at 4–5. That would supply one reason to deny amendment. But the Court concludes Bass's proposed amendment is futile for a more fundamental reason—the proposed amendment violates Rule 8.

Bass's first amended complaint is comprised of 22 pages (including service and signature pages) that outline facts and various claims for relief. Dkt. No. 14. Bass's proposed amended complaint spans more than 100 pages with more than 215 paragraphs. Dkt. Nos. 32-1. It quotes extensively from documents, *Id.* at 13–14, 22–23, 64–65, and includes minute details about incidents forming the bases of his claims, *id.* at 47–49, 58–59, 67. He further proposes to file 134 pages of exhibits, to which he refers in his proposed complaint as ostensible evidence of his claims. Dkt. Nos. 32-1, 32-2. Those exhibits contain numerous emails, letters and documents from Defendant, and pictures of Bass with children. Dkt. No. 32-2.

Despite this remarkable increase in length, Bass adds only one new claim and one new defendant. Dkt. Nos. 14, 32-1. Bass seems to believe that including more words and “evidence” will ensure his complaint survives a motion to dismiss. Dkt. No. 32 at 1 (explaining that he wants to amend his complaint due to “newly discovered evidence”), 4 (indicating his intent “to present the most accurate pleading based on newly available evidence”).

At the pleading stage, however, the Court accepts as true all well-pleaded facts, so Bass need not present evidence. *See Pickett v. Tex. Tech Univ. Health Scis. Ctr.*, 37 F.4th 1013, 1029–30 (5th Cir. 2022) (explaining that although a district court may generally consider evidence in connection with a Rule 12(b)(1) factual attack on subject-matter jurisdiction, “there are limits to” doing so, such as when “the subject-matter jurisdiction and merits questions are coterminous”). Bass's “mass of details [and evidence] . . . might be relevant and appropriate at trial, but [it is] clearly surplusage in stating a claim.” *Hartz*

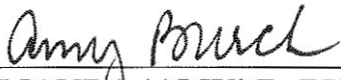
v. Friedman, 919 F.2d 469, 471 (7th Cir. 1990); *see Columbare v. Sw. Airlines, Co.*, No. 3:21-CV-297-B-BK, 2022 WL 660192, at *1 (N.D. Tex. Jan. 21, 2022) (providing that “neither [d]efendant nor the Court can be expected to dig through [p]laintiff’s complaint to discern any relevant facts and their connection to his causes of action,” where complaint had “immaterial information” like “lengthy references to and quotes from” materials and “attached exhibits [that were] almost entirely tangential at th[e] early stage of the proceedings”), *R. & R. adopted by* 2022 WL 658562 (N.D. Tex. Mar. 4, 2022).

While leave to amend should be granted freely, the Court need not grant amendment when the result would be a complaint that violates Rule 8. *Jumonville*, 1995 WL 136507, at *3. The proposed amendment is anything but the “short and plain” statement contemplated by Rule 8. Thus, the Court denies Bass’s motion to amend.

3. Conclusion

For reasons discussed above, the Court **DENIES** the motion for leave to file a reply that exceeds ten pages because Bass has not set forth extraordinary or compelling reasons. Dkt. No. 40. Further, because Bass’s proposed second amended complaint violates Rule 8, thereby making amendment futile, the Court **DENIES** his motion to amend. Dkt. No. 32.

SO ORDERED on March 27, 2026.


 AMANDA ‘AMY’ R. BURCH
 UNITED STATES MAGISTRATE JUDGE