

**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

**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 as a research and drafting aid in preparing this motion. Plaintiff has reviewed the content and accepts full responsibility for it.

TO THE HONORABLE UNITED STATES MAGISTRATE JUDGE:

Plaintiff Kevin N. Bass respectfully moves for leave to file a Second Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2) and N.D. Tex. LR 15.1. A copy of the proposed Second Amended Complaint is attached as Exhibit A. In support, Plaintiff states as follows:

1. On March 27, 2026, this Court denied Plaintiff's motion for leave to file an amended complaint because the proposed complaint violated Federal Rule of Civil Procedure 8. Dkt. No. 42. The Court found that the proposed complaint was "anything but the short and plain statement contemplated by the federal rules," noting its length (over 100 pages, more than 215 paragraphs), extensive document quotations, and 134 pages of exhibits. Id. at 5-6.

2. Plaintiff has prepared a new proposed Second Amended Complaint that cures the identified deficiency. The attached proposal contains 96 numbered paragraphs across approximately 25 pages. It attaches zero exhibits. It contains zero block quotations and zero document reproductions. It complies with Rule 8's requirement of "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2).

3. The proposed Second Amended Complaint adds one defendant (David Trotter, Ph.D.), for whom Plaintiff pleads relation-back under Rule 15(c)(1)(C), and restructures the existing claims into seven counts for clarity and compliance with Rule 8. It does not add new legal theories beyond those in the operative First Amended Complaint. The restructuring reflects Rule 8 compliance, not expansion — the seven counts organize the same statutory and constitutional theories already at issue into the "simple, concise, and direct" format Rule 8(d) requires. The proposed complaint also addresses qualified immunity for each Section 1983 count, which the operative complaint does not.

4. Leave to amend should be freely given "when justice so requires." Fed. R. Civ. P. 15(a)(2). The sole basis for this Court's prior denial was Rule 8 noncompliance — not substantive futility. Dkt. No. 42 at 5. That deficiency is curable, and the attached complaint cures it. See *Brewster v. Dretke*, 587 F.3d 764, 768 (5th Cir. 2009) (pro se litigant should generally be offered opportunity to amend); *Trent v. Capella Univ., LLC*, No. 5:25-CV-176-H-BV, Dkt. No. 45 at 5 (N.D. Tex. Mar. 23, 2026) (Burch, M.J.) (courts "often afford plaintiffs at least one opportunity to cure pleading deficiencies . . . unless it is clear that the defects are incurable").

5. The proposed complaint is shorter than the operative First Amended Complaint, attaches no exhibits, and does not introduce the "mass of details" or "evidence" this Court identified as surplusage. Dkt. No. 42 at 6-7. The claims asserted are the same statutory and

constitutional theories already at issue in the operative complaint. The purpose of the amendment is to comply with Rule 8, add Defendant Trotter, and present each claim with the legal specificity that Rule 8's "short and plain statement" requires — including the case citations necessary to satisfy the qualified immunity pleading standard for the Section 1983 claims.

6. There is no undue delay, bad faith, or prejudice to Defendants. Plaintiff files this motion within days of the Court's order identifying the deficiency. Defendants will have a full opportunity to respond to the amended pleading.

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

On March 30, 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). As of filing, counsel has not responded. Because no agreement was reached, this motion is treated as opposed.

WHEREFORE, Plaintiff respectfully requests that the Court grant leave to file the attached Second Amended Complaint and order that it be accepted as the operative pleading in this action.

Respectfully submitted,

/s/ Kevin N. Bass

Kevin N. Bass

Plaintiff, Pro Se

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CERTIFICATE OF SERVICE

I certify that on March 31, 2026, I filed this motion and all attachments via the Court's CM/ECF system, which will send notification to all counsel of record, including:

Scott D. Smith Assistant Attorney General Office of the Attorney General of Texas
General Litigation Division P.O. Box 12548, Capitol Station Austin, Texas 78711-2548 Email:
scott.smith@oag.texas.gov

/s/ Kevin N. Bass
Kevin N. Bass