

**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 RENEWED MOTION FOR LEAVE TO FILE SECOND AMENDED
COMPLAINT**

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.

1. Plaintiff Kevin N. Bass respectfully moves under Federal Rule of Civil Procedure 15(a)(2) for leave to file the proposed Second Amended Complaint attached as Exhibit 1, which is the same document attached as Exhibit A to Plaintiff's contemporaneously filed Objections to the Findings, Conclusions, and Recommendation of July 14, 2026 (Dkt. No. 54) ("FCR").

2. This motion is filed subject to, and without waiver of, those Objections. Its purpose is narrow: the FCR identified, for the first time, specific factual allegations it found missing from the pleading at Dkt. No. 43-1 — a pleading Plaintiff had shortened to comply with this Court's March 27, 2026 order (Dkt. No. 42) denying leave to file his detailed proposed complaint (Dkt. No. 32-1) under Rule 8. The attached pleading responds to the FCR's articulated deficiencies point by point, restoring in summary form facts that already appear in the record at Dkt. No. 32-

1, within twenty-five pages. Plaintiff could not have tailored a pleading to the FCR's articulations before the FCR issued.

3. Leave should be "freely give[n] . . . when justice so requires." Fed. R. Civ. P. 15(a)(2). No scheduling order has issued, no discovery has begun, and no trial setting exists; Defendants face no cognizable prejudice: apart from naming David Trotter — whose addition Defendants have already briefed, Dkt. No. 48, and whose claims relate back under Fed. R. Civ. P. 15(c)(1) (C) as pleaded in the attached complaint, see *Krupski v. Costa Crociere S.p.A.*, 560 U.S. 538, 548-49 (2010) — and restating the Gibson due-process allegations as a separate count resting on "the same conduct" already litigated, FCR at 55, the pleading narrows, rather than expands, the claims already presented in Defendants' motion to dismiss. The reasons the amendment is not futile are set out in Objections 2 through 7 of Plaintiff's contemporaneously filed Objections, which Plaintiff incorporates by reference.

4. The district judge may act on this motion directly in resolving the Objections, may receive the attached pleading as further evidence under 28 U.S.C. § 636(b)(1), or may recommit the matter to the Magistrate Judge with instructions. See *Freeman v. County of Bexar*, 142 F.3d 848, 852-53 (5th Cir. 1998).

WHEREFORE, Plaintiff respectfully requests that the Court grant leave to file the attached Second Amended Complaint, or in the alternative recommit the question of amendment to the Magistrate Judge with instructions to consider the attached pleading, and grant such other relief as is just.

Dated: July 28, 2026.

Respectfully submitted,

/s/ Kevin N. Bass

Kevin N. Bass

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CERTIFICATE OF CONFERENCE (LR 7.1(b))

On July 23, 2026, Plaintiff conferred by email with Scott D. Smith, counsel for Defendants, regarding the relief requested in this motion. Counsel responded the same day that Defendants are opposed. The motion is therefore submitted as opposed.

/s/ Kevin N. Bass

CERTIFICATE OF SERVICE

I certify that on July 28, 2026, I served this motion and its attachments on counsel for Defendants of record via the Court's ECF system.

/s/ Kevin N. Bass