

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DARNELL D. JACKSON,

Plaintiff,

v.

STEVEN E. JONES, et al.,

Defendants.

CAUSE NO. 3:22-CV-910-DRL-MGG

OPINION AND ORDER

Darnell D. Jackson, a prisoner without a lawyer, filed several motions to amend his amended complaint. ECFs 35, 43, 50, 53. Because an amended complaint will supersede all earlier pleadings and control the case from that point forward, the earlier motions will be denied as moot, and only the final motion and its attached proposed amended complaint will be considered. *French v. Wachovia Bank*, 574 F.3d 830, 835 (7th Cir. 2009); *see also Beal v. Beller*, 847 F.3d 897, 901 (7th Cir. 2017) (“For pleading purposes, once an amended complaint is filed, the original complaint drops out of the picture.”). Jackson states he would like to re-amend his complaint because of “new information received from the defense” including the names of additional defendants and other “pertinent details” he previously did not have. ECF 53 at 1. He has submitted a proposed second amended complaint along with his motion. ECF 53-1.

“Leave to amend is to be ‘freely given when justice so requires.’” *Liu v. T&H Machine*, 191 F.3d 790, 794 (7th Cir. 1999) (quoting *Payne v. Churchich*, 161 F.3d 1030, 1036 (7th Cir. 1998) and Fed. P. Civ. P. 15(a)). However, “that does not mean it must

always be given.” *Hukic v. Aurora Loan Servs.*, 588 F.3d 420, 432 (7th Cir. 2009). “[C]ourts have broad discretion to deny leave to amend where there is undue delay, bad faith, dilatory motive, repeated failure to cure deficiencies, undue prejudice to the defendants, or where the amendment would be futile.” *Id.* Here, after considering Jackson’s motion and proposed amendments – in the interests of justice – the court will grant the motion to amend. The second amended complaint will be screened as required by 28 U.S.C. § 1915A in due course.

For these reasons, the court:

- (1) GRANTS the motion to amend (ECF 53);
- (2) DIRECTS the clerk to separately docket ECF 53-1 and its exhibits as the second amended complaint; and
- (3) DENIES AS MOOT the previous motions to amend (ECFs 35, 43, 50).

SO ORDERED on February 2, 2024

s/ Michael G. Gotsch, Sr.

Michael G. Gotsch, Sr.
United States Magistrate Judge