

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ASHLEY BROCK FARMER

PLAINTIFF

V.

NO. 4:22-CV-11-DMB-JMV

**GREENWOOD TOURISM
COMMISSION, d/b/a Greenwood
Convention and Visitors Bureau;
and CITY OF GREENWOOD,
MISSISSIPPI**

DEFENDANTS

ORDER

On May 5, 2022, Ashley Brock Farmer, with leave of the Court,¹ filed a second amended complaint against Greenwood Tourism Commission and City of Greenwood, Mississippi, alleging claims of race discrimination arising from her employment. Doc. #30. After answering the second amended complaint,² the City filed a motion for judgment on the pleadings, asserting that it is not the proper defendant, it “would not be considered … Farmer’s employer” under Title VII, and Farmer “failed to adequately plead municipal liability … under § 1983.” Doc. #40. Again with leave of the Court,³ Farmer filed a third amended complaint against the same defendants on September 16, 2022. Doc. #77.

As a general rule, “[a]n amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading.” *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994). Because the third amended complaint does not incorporate the earlier pleadings and because the City has filed

¹ Doc. #29.

² Doc. #38.

³ Doc. #76.

a motion for judgment on the pleadings specifically addressing the third amended complaint, the motion for judgment on the pleadings addressing the second amended complaint [40] is **DENIED as moot.**

SO ORDERED, this 18th day of November, 2022.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE