

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE,  
VERMILION PARISH CHAPTER

CASE NO. 6:23-CV-01463

VERSUS

JUDGE ROBERT R. SUMMERHAYS

CITY OF ABBEVILLE

MAGISTRATE JUDGE DAVID J. AYO

**MEMORANDUM RULING AND ORDER**

Before this Court is PLAINTIFF’S MOTION TO SEEK LEAVE TO FILE SUPPLEMENTAL COMPLAINT filed by plaintiff National Association for the Advancement of Colored People, Vermilion Parish Chapter. [Doc. 64]. Defendant City of Abbeville filed an opposition [70] to which Plaintiff replied [Doc. 70]. For the following reasons, the motion is GRANTED.

**Factual and Procedural Background**

The instant case arises out of Plaintiff’s contention that the City failed to redraw its city council district map subsequent to the 2020 Census. [Doc. 1]. Specifically, Plaintiff contends that the City passed Ordinance 22-12 declaring that the results of the 2020 Census did not produce a “substantial variation” in Abbeville’s population such that the city council districts drawn subsequent to the 2010 Census could be reused. [*Id.*, ¶1]. According to Plaintiff, the use of the map drawn per the 2010 Census and failure to redraw subsequent to the 2020 Census resulted in the districts’ malapportionment. Abbeville’s use of the districts based on the 2010 Census in light of population changes found in the 2020 Census was alleged to violate the One-Person, One Vote requirement under the Fourteenth Amendment. The City responded with an answer denying Plaintiff’s allegations [Doc. 14] and discovery and motion practice ensued.

The City later adopted a new city council map. Plaintiff contends that the new map cured the One-Person, One-Vote violation but contains a new constitutional defect, namely, that the new map “used race as the primary factor to pack Black voters into District D. . . .” [Doc. 64-2]. For that reason, Plaintiff seeks to file a Supplemental Complaint asserting the unconstitutionality of the new map under Federal Rule of Civil Procedure 15. [Doc. 64].

The City contends that Plaintiff had asserted in communications prior to the filing of the original Complaint that the prior map impermissibly gerrymandered Black voters in District D. [Doc. 70 at 1]. Since Plaintiff could have asserted that claim in the original Complaint, the City claims that leave of court should be denied. [*Id.*]. In reply, Plaintiff argues that the gerrymandering claim sought to be asserted in the proposed Supplemental Complaint could not have been brought in the original Complaint since it arises out of the new map and the not map at issue in the original Complaint. [Doc. 71].

### Analysis

Rule 15(d) governs supplemental pleadings and states as follows:

On motion and reasonable notice, the court may, on just terms, permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event **that happened after the date of the pleading to be supplemented**. The court may permit supplementation even though the original pleading is defective in stating a claim or defense. The court may order that the opposing party plead to the supplemental pleading within a specified time.

(emphasis added). The Fifth Circuit has stated that “the discretion exercised in deciding whether to grant leave to amend is similar to that for leave to file a supplemental pleading.” *Lewis v. Knutson*, 699 F.2d 230, 239 (5th Cir. 1983). As a general matter, “[t]here is the obvious and reasonable requirement that the supplementation have ‘some relation’ to what is sought to be supplemented.” *Jackson Women’s Health Organization v. Dobbs*, 379 F. Supp. 3d 549, 551 (S.D. Miss. 2019) (quoting *Alabama Women’s Ctr. v. Miller*, 318 F.R.D. 143, 148 (M.D. Ala. 2016)). In exercising its discretion, courts should consider the following factors:

“whether the amended pleading would cause undue delay in the proceedings or undue prejudice to the nonmoving party; whether the moving party is acting in bad faith or with a dilatory motive; whether the moving party has previously failed to cure deficiencies by prior pleadings; and whether the proposed pleading is futile.” *Tran v. Gulf Coast Bank & Trust Co.*, 2026 WL 294938, at \*4 (E.D. La. Feb. 4, 2026) (citing *Lewis, supra*).

Considering these factors, this Court finds that the proposed supplementation is proper. There would be no undue delay in the proceedings or undue prejudice to the City. On the contrary, proceeding via supplemental complaint is more efficient than having Plaintiff file an entirely new action. While Plaintiff concedes that its One-Person, One-Vote claim was mooted as a result of the City’s enactment of a new map, this matter has not been rendered moot and, to state the obvious, has not been dismissed. Thus, the filing of a new action by Plaintiff would obligate Plaintiff to “file written notice of any related civil, criminal, or administrative proceeding.” Local Rule 3.1. This matter would surely be a related matter and therefore be subject to consolidation with any new matter pursuant to Local Rule 10.2. If a new matter is consolidated with this matter, the consolidated matter would still be assigned to Judge Summerhays and the undersigned.

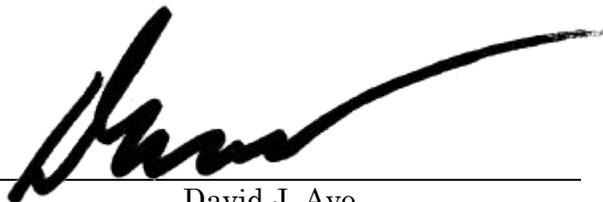
This Court further finds that Plaintiff is not acting in bad faith or with a dilatory motive. Plaintiff was prompt in seeking leave to supplement after the enactment of the new map and any delay can be attributed to the undersigned in ruling on the propriety of the proposed supplementation. The nature of this case and the relief sought are necessarily time sensitive given future elections, which was not lost on Plaintiff.

There is no indication that Plaintiff failed to cure deficiencies by prior pleadings or that the proposed pleading is futile. Plaintiff’s objection to the new map accrued upon the enactment of the new map and could not have been cured by prior pleadings. Further, it cannot be said that the claim sought to be asserted is futile.

**Conclusion**

Based on the foregoing, PLAINTIFF'S MOTION TO SEEK LEAVE TO FILE SUPPLEMENTAL COMPLAINT [Doc. 64] is GRANTED. Pursuant to Rule 15(d), the City is ORDERED to file a responsive pleading within 30 days of the date of this ruling.

THUS DONE in Chambers on this 18th day of February, 2026.

A handwritten signature in black ink, appearing to read 'D. Ayo', is written over a horizontal line. The signature is stylized and cursive.

David J. Ayo  
United States Magistrate Judge