

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Samuel M. Canyon v. Entergy Operations, Inc.

Civil Action No. 25-1721, Section H(2) (E.D. La. Mar. 19, 2026) · No. 2:25-cv-01721 · Decided March 19, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana grants Samuel M. Canyon’s motion for leave to file a second amended complaint in his Louisiana Environmental Whistleblower Statute retaliation action against Entergy Operations, Inc. The court applies Federal Rule of Civil Procedure 15(a), finding no undue delay, bad faith, repeated failure to cure, or undue prejudice, and addresses whether the proposed amendment would be futile in light of federal preemption concerns under the Atomic Energy Act.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Phyllis J. Currault
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	March 19, 2026
DOCKET	2:25-cv-01721
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 15(a)(2) for leave to file a second amended complaint after the defendant moved to dismiss the first amended complaint under Rule 12(b)(6).
STANDARD OF REVIEW	Leave to amend under Rule 15(a)(2) is reviewed for abuse of discretion. Futility is assessed under the Rule 12(b)(6) plausibility standard; leave should not be denied on futility grounds unless it appears beyond doubt that the plaintiff can prove no set of facts entitling him to relief.
PRECEDENTIAL VALUE	Unpublished district-court order; persuasive value only

TOPICS

- motion to amend
- pleadings
- motions to dismiss
- retaliation
- whistleblower

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Rule 15(a)(2), rather than Rule 16(b), governed Plaintiff's request for leave to amend because no scheduling-order deadline had issued.
2. Whether undue delay, bad faith, repeated failure to cure deficiencies, undue prejudice, or futility constituted a substantial reason to deny leave to file the second amended complaint.
3. Whether the proposed second amended complaint was futile because it failed to identify a specific environmental statute or regulation and because its allegations allegedly conflicted with prior pleadings and condition reports.

HOLDINGS

1. Because Plaintiff moved to amend before issuance of a scheduling order, Rule 15(a), rather than the more stringent Rule 16(b) good-cause standard, governed the motion.
2. Plaintiff was entitled to leave to file a second amended complaint because Defendant did not establish a substantial reason based on undue delay, bad faith, repeated failure to cure, undue prejudice, or futility.
3. The Louisiana Environmental Whistleblower Statute does not require a plaintiff to identify the particular environmental statute, rule, or regulation allegedly violated in order to plead a claim.

KEY QUOTATIONS

"Although leave to amend is not automatic, given Rule 15(a)(2)'s bias in favor of granting leave to amend, a court "must possess a 'substantial reason' to deny a request." (Section III)

"At this point, it is not clear that Plaintiff can prove no set of facts in support of his claim that would entitle him to relief." (Section III, Futility)

"IT IS ORDERED that Plaintiff's Motion for Leave to File Second Amended Complaint (ECF No. 31) is GRANTED." (Conclusion)

FACTUAL BACKGROUND

Samuel M. Canyon alleged that Entergy Operations terminated him after he reported alleged safety and environmental violations at the Waterford 3 facility. His original allegations primarily concerned radiological safety, while his proposed second amended complaint characterized the protected activity as reports concerning lead contamination, respiratory protection, and potential environmental releases governed by Louisiana law and OSHA regulations. The proposed amendment did not add parties or claims but sought to clarify the factual and legal basis for the Louisiana Environmental Whistleblower Statute claim.

PROCEDURAL HISTORY

Plaintiff originally filed a Louisiana Environmental Whistleblower Statute claim in state court, and the action was removed to federal court. The district court dismissed the original complaint as preempted by federal law but allowed Plaintiff twenty days to amend. After Plaintiff filed a first amended complaint and Defendant moved

to dismiss, Plaintiff sought leave to file a second amended complaint clarifying that his protected activity concerned non-radiological lead-contamination and environmental-law issues. The court granted leave to amend and allowed Plaintiff a final opportunity to plead his best case before adjudication of the pending motion to dismiss.

DISPOSITION

other

CASES CITED

- S&W Enters., L.L.C. v. SouthTrust Bank of Ala., NA, 315 F.3d 533, 535–36 (5th Cir.)
- Carroll v. Fort James Corp., 470 F.3d 1171, 1174 (5th Cir.)
- Mayeaux v. La. Health Serv. & Indem. Co., 376 F.3d 420, 425, 427–28 (5th Cir.)
- Stripling v. Jordan Prod. Co., 234 F.3d 863, 872–73 (5th Cir.)
- U.S. ex rel. Spicer v. Westbrook, 751 F.3d 354, 367 (5th Cir.)
- Avatar Expl., Inc. v. Chevron U.S.A., Inc., 933 F.2d 314, 320 (5th Cir.)
- Smith v. EMC Corp., 393 F.3d 590, 594–96 (5th Cir.)
- Gregory v. Mitchell, 634 F.2d 199, 203 (5th Cir.)
- Carson v. Polley, 689 F.2d 562, 584 (5th Cir.)
- C3PO Int'l, Ltd. v. DynCorp Int'l, L.L.C., 663 F. App'x 311, 314–15 (5th Cir.)
- Industrias Magromer Cueros y Pieles S.A. v. La. Bayou Furs Inc., 293 F.3d 912, 922 (5th Cir.)
- Price v. Pinnacle Brands, Inc., 138 F.3d 602, 607–08 (5th Cir.)
- Neutron Depot, L.L.C. v. Bankrate, Inc., 798 F. App'x 803, 808 (5th Cir.)
- St. Germain v. Howard, 556 F.3d 261, 264 (5th Cir.)
- Torch Liquidating Tr. ex rel. Bridge Assocs. L.L.C. v. Stockstill, 561 F.3d 377, 391 (5th Cir.)
- Herrmann Holdings Ltd. v. Lucent Techs. Inc., 302 F.3d 552, 566–67 (5th Cir.)
- U.S. ex rel. Willard v. Humana Health Plan of Tex. Inc., 336 F.3d 375, 387 (5th Cir.)
- Landscape Images Ltd. v. IberiaBank Corp., No. 24-30181, 2024 WL 4457844, at *5 (5th Cir. Oct. 10, 2024)
- In re Am. Int'l Refinery, Inc., 676 F.3d 455, 467 & n.12 (5th Cir.)
- Marucci Sports, L.L.C. v. Nat'l Collegiate Athletic Ass'n, 751 F.3d 368, 378 (5th Cir.)
- Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 557, 570 (2007)
- Gonzales v. Kay, 577 F.3d 600, 603 (5th Cir.)
- Baker v. Putnal, 75 F.3d 190, 196 (5th Cir.)
- Ferrer v. Chevron Corp., 484 F.3d 776, 780 (5th Cir.)
- Gentilello v. Rege, 627 F.3d 540, 544 (5th Cir.)
- Collins v. Morgan Stanley Dean Witter, 224 F.3d 496, 498 (5th Cir.)
- Tellabs, Inc. v. Makor Issues & Rts., Ltd., 551 U.S. 308, 322 (2007)

- *Wolcott v. Sebelius*, 635 F.3d 757, 763 (5th Cir.)
- *Brand Coupon Network, L.L.C. v. Catalina Mktg. Corp.*, 748 F.3d 631, 635 (5th Cir.)
- *Sibley v. Touro LCMC Health*, No. 24-30189, 2024 WL 5118489, at *3 (5th Cir. Dec. 16, 2024)
- *In re Katrina Canal Breaches Litig.*, 495 F.3d 191, 205 (5th Cir.)
- *Causey v. Sewell Cadillac-Chevrolet, Inc.*, 394 F.3d 285, 288 (5th Cir.)
- *PHI Grp., Inc. v. Zurich Am. Ins. Co.*, 58 F.4th 838, 841 (5th Cir.)
- *Bosarge v. Mississippi Bureau of Narcotics*, 796 F.3d 435, 440–41 (5th Cir.)
- *Gonzales v. J.E. Merit Constructors, Inc.*, 263 F.3d 162, 2001 WL 803545, at *2 (5th Cir.)
- *Powers v. Vista Chem. Co.*, 109 F.3d 1089, 1095 (5th Cir.)
- *Bain v. Ga. Gulf Corp.*, 462 F. App'x 431, 433 (5th Cir.)
- *Walter v. BP Am., Inc.*, No. 12-177, 2014 WL 1796676, at *19 (E.D. La. May 6, 2014), *aff'd*, 593 F. App'x 405 (5th Cir. 2015)
- *Borcik v. Crosby Tugs, L.L.C.*, 858 F.3d 936, 937 (5th Cir.)
- *Borcik v. Crosby Tugs, L.L.C.*, 222 So. 3d 672 (La. 2017)
- *Collins v. Louisiana*, 118 So. 3d 43, 49 (La. App. 1st Cir. 2013)
- *Chiasson v. City of Thibodaux*, 347 F. Supp. 2d 300, 312 (E.D. La. 2004)
- *Fondren v. Greater New Orleans Expressway Comm'n*, 871 So. 2d 688, 691 (La. App. 5th Cir. 2004)
- *Burch v. Holcim US, Inc.*, No. 24-1165, 2025 WL 721210, at *5 (E.D. La. Mar. 5, 2025)
- *Arceneaux v. Genesis Energy, LLC*, No. 16-14612, 2016 WL 6680360, at *4 (E.D. La. Nov. 10, 2016)
- *Roberts v. Fla. Gas Transmission Co.*, 447 F. App'x 599, 602 (5th Cir.)
- *Barber v. Marine Drilling Mgmt., Inc.*, No. 01-1986, 2002 WL 237848, at *9 (E.D. La. Feb. 15, 2002)
- *Bernofsky v. Tulane*, 962 F. Supp. 895, 907 (E.D. La. 1997)
- *Encalarde v. New Orleans Ctr. for Creative Arts/Riverfront*, 158 So. 3d 826 (La. 2015)
- *Hale v. Touro Infirmary*, 886 So. 2d 1210, 1216 (La. App. 4 Cir. 2004)
- *Ware v. CLECO Power LLC*, 90 F. App'x 705, 709 (5th Cir.)
- *Richardson v. Axion Logistics, L.L.C.*, 780 F.3d 304, 306 (5th Cir.)
- *Malin v. Orleans Par. Comm'ns Dist.*, 718 F. App'x 264, 273 (5th Cir.)
- *Collins v. Dep't of the Treasury*, 83 F.4th 970, 983 n.14 (5th Cir.)
- *Leal v. McHugh*, 731 F.3d 405, 414 (5th Cir.)
- *Jones v. Greninger*, 188 F.3d 322, 324 (5th Cir.)
- *LaPorte Constr. Co., Inc. v. Bayshore Nat'l Bank of LaPorte*, 805 F.2d 1254, 1256 (5th Cir.)
- *Flores v. Amazing Grace Primary Home Care, L.L.C.*, No. 24-40434, 2025 WL 832795, at *6 (5th Cir. Mar. 17, 2025)