

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

September McDowell and Robert Robinson v. City of Elizabeth, et al.

McDowell · No. 2:23-cv-21415 (BRM) (LDW) · Decided December 29, 2025

SUMMARY

The United States District Court for the District of New Jersey denied Plaintiffs’ appeal from a magistrate judge’s order concerning leave to amend their complaint. The court held that Plaintiffs failed to demonstrate the diligence and good cause required under Federal Rule of Civil Procedure 16(b)(4) to amend after the scheduling-order deadline. The court affirmed the magistrate judge’s May 13, 2025 Opinion and Order and concluded that consideration under the more liberal Rule 15(a) standard was unnecessary.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Brian R. Martinotti
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	December 29, 2025
DOCKET	2:23-cv-21415 (BRM) (LDW)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed a magistrate judge's non-dispositive order granting in part and denying in part their motion for leave to amend the complaint. The district court denied the appeal and affirmed the order.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 72(a), 28 U.S.C. § 636(b)(1) (A), and Local Civil Rule 72.1(c)(1)(A), a magistrate judge's order on a non-dispositive matter may be modified or set aside only if it is clearly erroneous or contrary to law. Factual findings are reviewed for clear error, while legal conclusions are reviewed de novo.
PRECEDENTIAL VALUE	Unpublished and not for publication; precedential value not indicated.
PARTIES	September McDowell, Robert Robinson v. City of Elizabeth, Giacomo Sacca, Jeffery Cruz, Carrie Scharpnick, John Mooney, James Heller, David Turner, Jason Luis

TOPICS

motion to amend

appellate procedure

standard of review

civil procedure

section 1983

PRACTICE AREAS

civil procedure

civil rights

municipal law

appellate procedure

QUESTIONS PRESENTED

1. Whether the magistrate judge clearly erred or acted contrary to law in finding that Plaintiffs failed to establish good cause and due diligence under Federal Rule of Civil Procedure 16(b)(4) for seeking amendment after the scheduling-order deadline.
2. Whether the magistrate judge was required to analyze the proposed amendment under the more liberal standard of Federal Rule of Civil Procedure 15(a) despite Plaintiffs' failure to satisfy Rule 16(b)(4).

HOLDINGS

1. Plaintiffs failed to show the diligence required to establish good cause under Rule 16(b)(4), and the magistrate judge's determination was neither clearly erroneous nor contrary to law.
2. The magistrate judge properly declined to conduct a Rule 15(a) analysis because satisfaction of Rule 16(b)(4) is a threshold requirement for an untimely motion to amend.

KEY QUOTATIONS

“A party seeking to amend a pleading after the deadline of a scheduling order has passed must satisfy the “good cause” standard of Federal Rule of Civil Procedure 16(b)(4).” (Section II)

“satisfying the Rule 16 standard is a threshold issue.” (Section III.B)

FACTUAL BACKGROUND

Plaintiffs alleged that Elizabeth police officers stopped and searched them without reasonable suspicion and arrested them after finding a firearm and controlled substances. During a January 2025 deposition, McDowell testified that she had observed police harassing other people and believed she had been racially profiled. Nearly a year after the scheduling-order deadline to amend pleadings, Plaintiffs sought to add racial-profiling and selective-enforcement claims based on that information.

PROCEDURAL HISTORY

Plaintiffs filed a civil-rights complaint under 42 U.S.C. § 1983, the New Jersey Civil Rights Act, and common law. A scheduling order set April 8, 2024 as the deadline to seek leave to amend pleadings. Plaintiffs filed their motion to amend on April 7, 2025, seeking to add racial-profiling and selective-enforcement allegations. Magistrate Judge Leda D. Wettre denied that portion of the motion, and the district court affirmed after applying the clearly erroneous or contrary-to-law standard under Federal Rule of Civil Procedure 72(a).

DISPOSITION

affirmed

CASES CITED

- Otero v. Port Auth. of New York & New Jersey, Civ. A. No. 14-1655, 2018 WL 6567700, at *3 (D.N.J. Dec. 12, 2018)
- Haines v. Liggett Grp., Inc., 975 F.2d 81, 91, 93 (3d Cir. 1992)
- Marks v. Struble, 347 F. Supp. 2d 136, 149 (D.N.J. 2004)
- Dome Petroleum Ltd. v. Emp'rs Mut. Liab. Ins. Co., 131 F.R.D. 63, 65 (D.N.J. 1990)
- United States v. U.S. Gypsum Co., 333 U.S. 364, 395 (1948)
- Kounelis v. Sherrer, 529 F. Supp. 2d 503, 518 (D.N.J. 2008)
- United States v. Waterman, 755 F.3d 171, 174 (3d Cir. 2014)
- Anderson v. Bessemer City, 470 U.S. 564, 574 (1985)
- Cooper Hosp./Univ. Med. Ctr. v. Sullivan, 183 F.R.D. 119, 127 (D.N.J. 1998)
- Premier Comp Sols., LLC v. UPMC, 970 F.3d 316, 319 (3d Cir.)
- New Jersey Dep't of Env't Pro. v. Amerada Hess Corp., 323 F.R.D. 213, 218 (D.N.J. 2017)
- Race Tires Am., Inc. v. Hoosier Racing Tire Corp., 614 F.3d 57, 84 (3d Cir. 2010)
- Rogers v. Wilmington Tr. Co., Civ. A. No. 21-1473, 2022 WL 621690 (3d Cir. Mar. 3, 2022)
- In re Paulsboro Derailment Cases, Civ. A. No. 13-0784, 2015 WL 6163951, at *1 (D.N.J. Oct. 19, 2015)
- Siebel v. Work at Home Vintage Emps., LLC, Civ. A. No. 12-1199, 2013 WL 6094558, at *3
- Berk v. Ritz Carlton Condo. Ass'n, Civ. A. No. 19-20666, 2021 WL 5277459, at *2 (D.N.J. Nov. 12, 2021)
- Sallings ex rel. Est. of Stallings v. IBM Corp., Civ. A. No. 09-3121, 2009 WL 2905741, at *16 (D.N.J. Sept. 8, 2009)
- Sabatino v. Union Twp., Civ. A. No. 11-1656, 2013 WL 1622306, at *4 (D.N.J. Apr. 15, 2013)
- Price v. Trans Union, LLC, 737 F. Supp. 2d 276, 280 (E.D. Pa. 2010)
- Eastern Mins. & Chems. Co. v. Mahan, 225 F.3d 330, 340 (3d Cir.)