

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Haqikah Kerr v. Cryogenic Industrial Solutions

Kerr · No. 1:24-cv-03037-CNS-TPO · Decided March 25, 2026

SUMMARY

The United States District Court for the District of Colorado overruled Plaintiff Haqiqah Kerr’s objections and adopted the magistrate judge’s report and recommendation. The court granted Defendant’s motion to dismiss, dismissing the Title VII claim with prejudice and the 42 U.S.C. § 1981 claim without prejudice, while allowing Plaintiff 14 days to file an amended complaint limited to the § 1981 claim. The court denied or denied as moot the additional motions addressed in the order.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Charlotte N. Sweeney
JURISDICTION	United States District Court for the District of Colorado
DECIDED	March 25, 2026
DOCKET	1:24-cv-03037-CNS-TPO
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed Plaintiff's objections to a magistrate judge's report and recommendation concerning Defendant's motion to dismiss the Fourth Amended Complaint.
STANDARD OF REVIEW	De novo review of properly specific objections to a magistrate judge's report and recommendation; generalized or conclusory objections need not receive de novo review. The district court also independently agreed with the magistrate judge's recommendation.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation.
PARTIES	Haqikah Kerr v. Cryogenic Industrial Solutions

TOPICS

- motions to dismiss
- civil procedure
- title vii
- racial discrimination
- motion to amend

PRACTICE AREAS

- civil procedure
- employment law
- civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff's objections to the magistrate judge's report and recommendation were sufficiently specific to preserve review.
2. Whether the Title VII claim was untimely and should be dismissed with prejudice.
3. Whether the 42 U.S.C. § 1981 claim should be dismissed without prejudice.
4. Whether Plaintiff could use objections to supplement the factual allegations in the operative complaint.
5. Whether sanctions under Federal Rule of Civil Procedure 37 were warranted.

HOLDINGS

1. Objections must specifically identify the challenged findings or recommendations and provide a reasoned argument; Plaintiff's conclusory and general objections were inadequate.
2. The Title VII claim was untimely and was properly dismissed with prejudice.
3. Dismissal of the § 1981 claim without prejudice was proper, with a limited opportunity to file an amended complaint addressing the identified pleading deficiencies.
4. Sanctions were unwarranted because Plaintiff failed to show why Defendant's conduct satisfied the requirements for sanctions.

KEY QUOTATIONS

“A party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” (Discussion)

“Plaintiff may, should she choose to do so, and believes she can correct the problems with her allegations identified by the magistrate judge in his Recommendation, file an amended complaint within 14 days of this order, but only as to her § 1981 claim.” (Order)

FACTUAL BACKGROUND

Plaintiff asserted Title VII and 42 U.S.C. § 1981 claims alleging employment discrimination and retaliation against Defendant. The operative Fourth Amended Complaint did not contain the comparator allegations Plaintiff attempted to raise in her objections. The court concluded from the face of the record that the Title VII claim was untimely and that the § 1981 claim remained subject to the pleading deficiencies identified by the magistrate judge.

PROCEDURAL HISTORY

The magistrate judge recommended dismissal of Plaintiff's Title VII claim with prejudice as untimely and dismissal of her 42 U.S.C. § 1981 claim without prejudice. Plaintiff objected, but the district court found the objections conclusory, insufficiently specific, and improperly supplemented with new factual allegations. The district court overruled the objections, adopted and affirmed the recommendation, granted the motion to dismiss, denied leave to file a Fifth Amended Complaint as presented, permitted a possible amended complaint limited to the § 1981 claim within 14 days, denied several motions as moot, and denied sanctions.

DISPOSITION

other

CASES CITED

- United States v. One Parcel of Real Prop., With Buildings, Appurtenances, Improvements, & Contents, Known as: 2121 E. 30th St., Tulsa, Oklahoma, 73 F.3d 1057, 1060 (10th Cir. 1996)
- Schupper v. Cafasso, 708 F. App'x 943, 946 (10th Cir. 2017)
- Zumwalt v. Astrue, 220 F. App'x 770, 777 (10th Cir. 2007)
- Runkle v. Colorado, No. 1:22-cv-03252-WJM-SBP, 2023 WL 9799116, at *2 n.2 (D. Colo. Aug. 29, 2023), report and recommendation adopted sub nom. Runkle v. State of Colorado, No. 22-cv-3252-WJM-SBP, 2024 WL 810024 (D. Colo. Feb. 27, 2024)
- David v. Crow, No. CIV-21-534-SLP, 2024 WL 3470645, at *2 (W.D. Okla. July 19, 2024)
- Frederickson v. Kenneth, No. 1:22-cv-00262-CNS-MDB, 2023 WL 2674421, at *2 (D. Colo. Mar. 29, 2023)
- Lieberenz v. Bd. of Cnty. Commissioners of Cnty. of Saguache Colorado, No. 1:21-cv-00628-NYW-NRN, 2023 WL 4748667, at *7 (D. Colo. Jan. 6, 2023)

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