

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Dwayne A. Miller, Jr. v. Hizel Stevens Hunely

Civil Action No. 25-cv-01292-SKC-CYC (D. Colo. Jan. 13, 2026) · No. 25-cv-01292-SKC-CYC · Decided January 13, 2026

SUMMARY

The United States District Court for the District of Colorado granted the plaintiff’s motion for leave to file a Second Amended Complaint under Federal Rule of Civil Procedure 15(a). The court found no undue delay, prejudice, or need to deny amendment as futile, and denied the defendant’s motion to dismiss as moot.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Cyrus Y. Chung
JURISDICTION	United States District Court for the District of Colorado
DECIDED	January 13, 2026
DOCKET	25-cv-01292-SKC-CYC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file a Second Amended Complaint under Federal Rule of Civil Procedure 15(a). Defendant took no position on the motion. The court granted leave to amend and denied as moot defendant's partial motion to dismiss the superseded complaint.
STANDARD OF REVIEW	Leave to amend under Federal Rule of Civil Procedure 15(a)(2) is generally granted freely when justice so requires, but may be denied for undue delay, repeated failure to cure deficiencies, undue prejudice, or futility.
PRECEDENTIAL VALUE	Unknown; minute order with no reported citation or stated precedential designation.
PARTIES	Dwayne A. Miller, Jr. v. Hizel Stevens Hunely

TOPICS

- motion to amend
- motions to dismiss
- pleadings
- civil procedure

PRACTICE AREAS

civil procedure

federal civil procedure

pleading amendment

QUESTIONS PRESENTED

1. Whether plaintiff should be granted leave to file a Second Amended Complaint under Federal Rule of Civil Procedure 15(a)(2).
2. Whether defendant's partial motion to dismiss became moot when the amended complaint was filed or accepted for filing.

HOLDINGS

1. Leave to amend should be granted because the record did not show undue delay, undue prejudice, or futility, and the amendment was warranted under Rule 15(a)(2).
2. The defendant's partial motion to dismiss was denied as moot because the amended complaint supplanted and superseded the complaint targeted by the motion.

KEY QUOTATIONS

“Under Federal Rule of Civil Procedure 15, the Court should grant leave to amend “freely . . . when justice so requires.””

“Accordingly, the Court need not engage in a futility analysis at this point.”

FACTUAL BACKGROUND

Plaintiff sought to file a Second Amended Complaint concerning the same subject matter as his Amended Complaint. Discovery had only recently begun, and the defendant identified potential deficiencies through a partial motion to dismiss but did not argue that amendment would be futile.

PROCEDURAL HISTORY

The plaintiff had previously been granted leave to amend during the court's initial review. After defendant filed a partial Rule 12(b)(6) motion, plaintiff sought leave to amend approximately one month later and shortly after the scheduling conference. The court granted the motion, directed the clerk to file the Second Amended Complaint, and denied the motion to dismiss as moot.

DISPOSITION

other

CASES CITED

- *Foman v. Davis*, 371 U.S. 178, 182 (1962)
- *Carr v. Hanley*, No. 09-cv-01677-WYD-KLM, 2009 WL 4693870, at *1 (D. Colo. Dec. 3, 2009)
- *Calderon v. Kansas Dep't of Soc. & Rehab. Servs.*, 181 F.3d 1180, 1186 (10th Cir. 1999)

- Bylin v. Billings, 568 F.3d 1224, 1229 (10th Cir. 2009)
- Frank v. U.S. West, Inc., 3 F.3d 1357, 1365-66 (10th Cir. 1993)
- Jordan West Cos. Ltd. v. Native Rank, Inc., No. 18-cv-02165-RM-NRN, 2019 WL 3936984, at *2 (D. Colo. Aug. 5, 2019)
- Minter v. Prime Equip. Co., 451 F.3d 1196, 1208 (10th Cir. 2006)
- Childers v. Indep. Sch. Dist. No. 1 of Bryan Cnty., 676 F.2d 1338, 1343 (10th Cir. 1982)
- Jefferson Cnty. Sch. Dist. No. R-1 v. Moody's Investor's Servs., Inc., 175 F.3d 848, 859 (10th Cir. 1999)
- General Steel Domestic Sales, LLC v. Steel Wise, LLC, 2028 WL 2520423, at *4 (D. Colo. June 20, 2008)
- Strich v. United States, No. 09-cv-01913-REB-KLM, 2010 WL 14826, at *1 (D. Colo. Jan. 11, 2010)

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