

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Daryl Houston and Jose Serrano v. Speedway LLC and John Doe
Security Guard

Civ. No. 25-1080 SCY/LF (D.N.M. Feb. 4, 2026) · No. Civ. No. 25-1080 SCY/LF; 1:25-cv-01080 · Decided
February 4, 2026

SUMMARY

The United States District Court for the District of New Mexico denied without prejudice Plaintiffs’ motion to amend their complaint to add Single Source Security, LLC d/b/a Protos Security. The court held that Plaintiffs had not provided sufficient information to determine whether joinder would destroy diversity jurisdiction and had not adequately shown diligence in seeking amendment after the scheduling-order deadline.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	February 4, 2026
DOCKET	Civ. No. 25-1080 SCY/LF; 1:25-cv-01080
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for leave to file a first amended complaint adding Single Source Security, LLC d/b/a Protos Security as a defendant after removal of the action to federal court. The court denied the motion without prejudice.
STANDARD OF REVIEW	Leave to amend under Federal Rules of Civil Procedure 15 and 16 is governed by the applicable amendment and good-cause standards; post-removal joinder that would destroy diversity is governed by 28 U.S.C. § 1447(e).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Daryl Houston, Jose Serrano v. Speedway LLC, John Doe Security Guard

TOPICS

- motion to amend
- subject matter jurisdiction
- joinder
- civil procedure

PRACTICE AREAS

civil procedure

removal and remand

diversity jurisdiction

QUESTIONS PRESENTED

1. Whether the motion to amend adequately addressed whether adding Single Source Security, LLC would destroy diversity jurisdiction and therefore trigger 28 U.S.C. § 1447(e).
2. Whether plaintiffs demonstrated good cause and diligence for seeking amendment after the scheduling-order deadline.
3. Whether the motion should be denied without prejudice to refiling.

HOLDINGS

1. A motion to add an LLC defendant after removal must provide sufficient information about the LLC's membership and citizenship to permit the court to determine whether joinder would destroy diversity jurisdiction and whether 28 U.S.C. § 1447(e), rather than ordinary Rule 15 analysis, governs.
2. A party seeking amendment after the scheduling-order deadline must show good cause by demonstrating that the deadline could not be met despite diligent efforts; an unexplained delay does not satisfy that requirement.

KEY QUOTATIONS

“An LLC is a citizen of each and every state in which any member is a citizen.” (Section A)

“The standard for good cause in the Rule 16 context is whether “scheduling deadlines cannot be met despite the movant’s diligent efforts.”” (Section B)

FACTUAL BACKGROUND

Plaintiffs sought to add Single Source Security, LLC d/b/a Protos Security as a defendant after learning of its involvement through Speedway's initial disclosures on November 25, 2025. Neither the motion nor the proposed amended complaint identified the LLC's members or their citizenship. The scheduling order required amendments by January 5, 2026, but plaintiffs did not move to amend until February 1, 2026, without explaining the delay.

PROCEDURAL HISTORY

Speedway removed the personal-injury action from state court based on diversity jurisdiction. Plaintiffs later moved to amend after receiving Speedway's initial disclosures, but filed the motion after the scheduling-order deadline for amendments. The court denied the motion without prejudice because the motion and proposed amended complaint did not establish the proposed LLC defendant's citizenship or address whether joinder would destroy diversity, and because plaintiffs failed to explain their delay.

DISPOSITION

other

CASES CITED

- Siloam Springs Hotel, LLC v. Century Sur. Co., 781 F.3d 1233, 1237-38 (10th Cir. 2015)
- McPhail v. Deere & Co., 529 F.3d 947, 951-52 (10th Cir. 2008)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Gorsuch, Ltd., B.C. v. Wells Fargo Nat'l Bank Ass'n, 771 F.3d 1230, 1240-41 (10th Cir. 2014)
- Tesone v. Empire Marketing Strategies, 942 F.3d 979, 990-91 (10th Cir. 2019)
- Husky Ventures, Inc. v. B55 Invs., Ltd., 911 F.3d 1000, 1020-21 (10th Cir. 2018)

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