

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Fathiree Ali, et al. v. Washington, et al.

Fathiree Ali et al. v. Washington et al., No. 2:25-cv-10846 (E.D. Mich. Mar. 4, 2026) · No. 2:25-cv-10846 ·
Decided March 4, 2026

SUMMARY

The court denied without prejudice the plaintiffs’ motion to amend their complaint, concluding that amendment as of right was untimely and that the proposed amendment would be futile because it did not cure the plaintiffs’ alleged failure to exhaust administrative remedies under the Prison Litigation Reform Act. The court struck the proposed first amended complaint from the record and denied defendants’ motion to extend response deadlines as moot. The order was issued by United States Magistrate Judge Curtis Ivy, Jr., with objections permitted under Federal Rule of Civil Procedure 72(a).

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Curtis Ivy, Jr.
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	March 4, 2026
DOCKET	2:25-cv-10846
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved to amend their complaint and filed a proposed first amended complaint. Defendants moved for an extension of time to respond to plaintiffs' pending motions. The magistrate judge denied the motion to amend without prejudice, struck the proposed amended complaint, and denied the motion for extension as moot.
STANDARD OF REVIEW	A motion to amend under Federal Rule of Civil Procedure 15(a)(2) is evaluated under factors including delay, lack of notice, bad faith, repeated failure to cure deficiencies, undue prejudice, and futility. An amendment is futile if it could not withstand a Rule 12(b)(6) motion to dismiss. For Rule 12(b)(6) purposes, the complaint is construed in the

plaintiff's favor and factual allegations are accepted as true, but the pleading must state a facially plausible claim.

PRECEDENTIAL VALUE

nonprecedential

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QUESTIONS PRESENTED

1. Whether plaintiffs could amend their complaint as a matter of course under Federal Rule of Civil Procedure 15(a)(1).
2. Whether plaintiffs should be granted leave to amend under Federal Rule of Civil Procedure 15(a)(2).
3. Whether the proposed amended complaint was futile because it did not cure plaintiffs' failure to exhaust administrative remedies under the Prison Litigation Reform Act.
4. Whether defendants' motion to extend their response deadlines should be granted.

HOLDINGS

1. Plaintiffs could no longer amend their complaint as a matter of course because the twenty-one-day periods following service of the original complaint and defendants' Rule 12 motion had expired.
2. Leave to amend was denied because the proposed first amended complaint was futile.
3. Neither exigent circumstances nor imminent danger excused plaintiffs' failure to exhaust administrative remedies under the PLRA.
4. Defendants' motion to extend their response deadlines was denied as moot.

FACTUAL BACKGROUND

Plaintiffs, apparently proceeding pro se and as prisoners, filed suit after alleging that the Michigan Department of Corrections had not responded to their Step I grievances while Ramadan 2025 was ending. Their proposed first amended complaint added factual allegations and First Amendment theories involving retaliation and the Establishment Clause. The proposed amendment did not alter the court's conclusion that plaintiffs had failed to properly exhaust administrative remedies before filing suit.

PROCEDURAL HISTORY

Plaintiffs filed the action in March 2025. Defendants moved to dismiss for failure to exhaust administrative remedies under the Prison Litigation Reform Act. The magistrate judge had previously recommended granting that motion, and plaintiffs then moved to amend and filed a proposed amended complaint asserting additional

First Amendment claims. This order resolved the amendment and extension motions while the report and recommendation on the motion to dismiss remained pending.

DISPOSITION

other

CASES CITED

- Brand v. Motley, 526 F.3d 921, 925 (6th Cir. 2008)
- Perkins v. Am. Elec. Power Fuel Supply, Inc., 246 F.3d 593, 605 (6th Cir. 2001)
- Beydoun v. Sessions, 871 F.3d 459, 469 (6th Cir. 2017)
- Riverview Health Inst. LLC v. Med. Mut. of Ohio, 601 F.3d 505, 520, 523 (6th Cir. 2010)
- Keys v. Humana, Inc., 684 F.3d 605, 608 (6th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- 16630 Southfield Ltd. P'Ship v. Flagstar Bank, F.S.B., 727 F.3d 502, 503 (6th Cir. 2013)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Frengler v. Gen. Motors, 482 F. App'x 975, 976–77 (6th Cir. 2012)
- Wells v. Brown, 891 F.2d 591, 594 (6th Cir. 1989)
- Rogers v. Detroit Police Dep't, 595 F. Supp. 2d 757, 766 (E.D. Mich. 2009)
- Evans v. Mercedes Benz Fin. Servs., LLC, No. 11-11450, 2011 WL 2936198, at *2 (E.D. Mich. July 21, 2011)
- Greer v. City of Highland Park, Case No. 15CV12444, 2016 WL 4206008, at *2 (E.D. Mich. Aug. 10, 2016)
- Budsgunshop.com LLC v. Sec. Safe Outlet, Inc., No. 5:10-cv-00390-KSF, 2012 WL 1899851, at *8 (E.D. Ky. May 23, 2012)
- 1800 Mich. Ave. v. Small Bus. Admin. of U.S., Case No. 2:22-cv-10377, 2022 WL 2916677, at *3–4 (E.D. Mich. July 25, 2022)
- Scouten v. Midland Cnty., No. 21-2953, 2022 U.S. App. LEXIS 7533, at *3 (6th Cir. Mar. 22, 2022)
- Boulding v. Mich. Dep't of Corr., No. 13-14325, 2015 WL 136195, at *2 (E.D. Mich. Jan. 6, 2015)
- Arbuckle v. Bouchard, 92 F. App'x 289, 291 (6th Cir. 2004)
- Lentz v. Mich. Dep't of Corr., No. 2:24-CV-10198, 2025 WL 1023709, at *6 (E.D. Mich. Jan. 15, 2025)
- Bailey v. Washington, 784 F. Supp. 3d 997 (E.D. Mich. 2025)
- Perttu v. Richards, 605 U.S. 460 (2025)