

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA

Darrell Banks v. Pasquotank County

Banks · No. No. 2:25-CV-23-BO-RJ · Decided January 14, 2026

SUMMARY

The United States District Court for the Eastern District of North Carolina grants the plaintiff leave to amend his complaint under Federal Rule of Civil Procedure 15(a). The court denies the defendant's motion to dismiss and for judgment on the pleadings without prejudice and directs the clerk to file the proposed amended complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of North Carolina
JURISDICTION	United States District Court for the Eastern District of North Carolina
DECIDED	January 14, 2026
DOCKET	No. 2:25-CV-23-BO-RJ
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to dismiss and for judgment on the pleadings under Federal Rules of Civil Procedure 12(b)(1), 12(b)(2), and 12(c). Plaintiff moved for leave to amend under Rule 15.
STANDARD OF REVIEW	Leave to amend under Rule 15(a) should be freely given when justice so requires and may be denied for prejudice, bad faith, or futility.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated.
PARTIES	Darrell Banks v. Pasquotank County

TOPICS

- [motion to amend](#)
- [motions to dismiss](#)
- [motion for judgment on the pleadings](#)
- [civil procedure](#)

PRACTICE AREAS

- [civil procedure](#)

QUESTIONS PRESENTED

1. Whether plaintiff should be granted leave to amend the complaint under Federal Rule of Civil Procedure 15(a).
2. Whether defendant's motion to dismiss and motion for judgment on the pleadings should be decided before the amended complaint was filed.

HOLDINGS

1. Leave to amend should be granted because the record showed no bad faith, no prejudice to defendant, and no apparent futility or plain insufficiency in the proposed amendment.
2. The motions to dismiss and for judgment on the pleadings were denied without prejudice after leave to amend was granted.

KEY QUOTATIONS

“ “[L]eave to amend a pleading should be denied only when the amendment would be prejudicial to the opposing party, there has been bad faith on the part of the moving party, or the amendment would be futile.” ”
(at 509)

*“*to resolve cases on their merits instead of disposing of them on technicalities.”* (at 426)

FACTUAL BACKGROUND

Plaintiff sought to clarify his allegations through an amended complaint and removed at least one claim for relief. The case was at an early stage, and the court found no bad faith by plaintiff, no prejudice to defendant, and no indication that the proposed amendment was plainly insufficient.

PROCEDURAL HISTORY

The motions were heard on December 16, 2025, and were ripe for disposition. The court granted plaintiff leave to amend, directed the clerk to file the proposed amended complaint, and denied defendant's motions to dismiss and for judgment on the pleadings without prejudice.

DISPOSITION

other

CASES CITED

- Nathan v. Takeda Pharms. N. Am., Inc., 707 F.3d 451, 461 (4th Cir. 2013)
- Johnson v. Oroweat Foods Co., 785 F.2d 503, 509-510 (4th Cir. 1986)
- Booker v. City of Lynchburg, No. 6:20-CV-11, 2020 WL 8513807, at *2 (W.D. Va. Nov. 12, 2020)
- Laber v. Harvey, 438 F.3d 404, 426 (4th Cir. 2006)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA NORTHERN DIVISION No. 2:25-CV-23-BO-RJ DARRELL BANKS,) Plaintiff, ORDER PASQUOTANK COUNTY, } Defendant. This cause comes before the Court on defendant's motion to dismiss and for judgment on the pleadings pursuant to Rules 12(b)(1), 12(b)(2), and 12(c) of the Federal Rules of Civil Procedure and plaintiff's motion for leave to file an amended complaint pursuant to Rule 15 of the Federal Rules of Civil Procedure.

The appropriate responses and replies have been filed, and a hearing on the motions was held before the undersigned on December 16, 2025, at Elizabeth City, North Carolina. In this posture, the motions are ripe for disposition. Rule 15(a) provides that leave to amend a pleading should be freely given where justice so requires. Fed. R. Civ. 15(a); *Nathan v. Takeda Pharms.*

N. Am., Inc., 707 F.3d 451, 461 (4th Cir. 2013). “[L]eave to amend a pleading should be denied only when the amendment would be prejudicial to the opposing party, there has been bad faith on the part of the moving party, or the amendment would be futile.” *Johnson v. Oroweat Foods Co.*, 785 F.2d 503, 509 (4th Cir. 1986). “Moreover, a court should consider Rule 15(a)’s underlying intent: *to resolve cases on their merits instead of disposing of them on technicalities.” *Booker v. City of Lynchburg*, No. 6:20-CV-11, 2020 WL 8513807, at *2 (W.D.

Va. Nov. 12, 2020), report and recommendation adopted, No. 6:20-CV-00011, 2021 WL 519905 (W.D. Va. Feb. □ □□ 2021) (cleaned up, quoting *Laber v. Harvey*, 438 F.3d 404, 426 (4th Cir. 2006)). Here, the Court discerns no bad faith on the part of plaintiff and no prejudice to defendant given the early stage of these proceedings. Plaintiff seeks to clarify his allegations and has removed at least one claim for relief, and it does not appear that the amendment is plainly insufficient.

See *Johnson*, 785 F.2d at 510. Mindful of the liberal standard for granting leave to amend, the Court will allow plaintiff's motion. Defendant's motion to dismiss and for judgment on the pleadings will be denied without prejudice. CONCLUSION Accordingly, for the foregoing reasons, defendant's motion to dismiss and for judgment on the pleadings [DE 15] is DENIED WITHOUT PREJUDICE and plaintiff's motion to amend his complaint [DE 21] is GRANTED.

The clerk is DIRECTED to file plaintiffs proposed amended complaint [DE 21-1] as of the date of entry of this order. SO ORDERED, this L&s of January 2026. UNITED STATES DISTRICT JUDGE