

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Ali Garner v. SCO Colon, SCO Chaves, SCO O'Brien, State of New Jersey, and New Jersey Department of Corrections

Garner · No. 20-7791 (BRM) (JSA) · Decided January 7, 2026

SUMMARY

The United States District Court for the District of New Jersey denied pro se plaintiff Ali Garner’s unopposed motion for leave to file an amended complaint. The court held that the motion was brought after undue delay and that the proposed amendment was futile because it did not adequately establish exhaustion of administrative remedies under the Prison Litigation Reform Act. The proposed amendment sought to reinstate claims and a defendant previously dismissed from the action.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Jessica S. Allen
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	January 7, 2026
DOCKET	20-7791 (BRM) (JSA)
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff moved for leave to file a renewed amended complaint after the pleadings had been partially dismissed, discovery had closed, and the court had set a deadline for summary judgment motions. The motion was unopposed.
STANDARD OF REVIEW	A motion for leave to amend is reviewed under Federal Rule of Civil Procedure 15(a), which generally favors liberal amendment but permits denial for undue delay, bad faith, prejudice, failure to cure deficiencies, or futility. Futility is assessed under the same legal-sufficiency standard applicable to a Rule 12(b)(6) motion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ali Garner v. SCO Colon, SCO Chaves, SCO O'Brien, State of New Jersey, New Jersey Department of Corrections

TOPICS

motion to amend

prisoners rights

section 1983

civil rights

civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

QUESTIONS PRESENTED

1. Whether leave to amend should be denied because Garner unduly delayed seeking amendment after multiple opportunities, after lengthy discovery, and after the court set a summary-judgment schedule.
2. Whether the proposed amended complaint was futile because, on its face, it failed to allege proper exhaustion of available administrative remedies under the Prison Litigation Reform Act.
3. Whether the proposed amended complaint substantively cured the previously identified pleading defects.

HOLDINGS

1. Leave to amend may be denied for undue delay when the plaintiff has had previous opportunities to amend and the proposed amendment would impose an unwarranted burden on the court or cause additional delay. Garner's renewed motion was filed after substantial delay, multiple prior opportunities to amend, the close of discovery, and the setting of a summary-judgment schedule, so the court denied leave on this basis.
2. A proposed amendment is futile when it would fail to state a claim, and the court may deny leave where the proposed complaint shows on its face that a prisoner failed to properly exhaust available administrative remedies under the PLRA. Garner's proposed amended complaint did not allege completion of all required steps, timely appeals, or that his grievances raised the specific claims against each proposed defendant; therefore, the amendment was futile.
3. The court did not need to determine whether the proposed amended complaint substantively cured the pleading defects identified in the prior dismissal order because undue delay and futility independently required denial of leave to amend.

KEY QUOTATIONS

"Courts "should freely give leave when justice so requires."" (3-4)

"As a pro se litigant, Plaintiff alone is responsible for his choices, and he must now live with the consequences." (5)

"A proposed amendment is futile when it "would [still] fail to state a claim upon which relief could be granted."" (7)

"Because he does not address whether he timely did so before filing this lawsuit, the Court finds his proposed amendment futile." (10)

FACTUAL BACKGROUND

The action arose from an alleged physical assault of Garner, an inmate, on November 10, 2017. Garner alleged constitutional violations against correctional officers and state entities and later proposed to reinstate claims against O'Brien, Colon, and Chaves. His proposed amended complaint alleged that he filed various prison grievances and inquiries, but did not adequately allege that he completed New Jersey's grievance appeals process or that his grievances raised the same factual claims asserted in the federal action.

PROCEDURAL HISTORY

Garner filed a constitutional civil-rights complaint in New Jersey state court, and defendants removed it to federal court. The district court dismissed all claims against O'Brien and the state entities and all claims against Colon and Chaves except excessive-force claims, while granting Garner leave to amend. Garner did not timely amend and later made several unsuccessful attempts to obtain leave to amend or reconsideration. After discovery closed and a summary-judgment schedule was set, Garner filed the present motion seeking to reinstate O'Brien and replead conspiracy and retaliation claims. The court denied leave to amend based on undue delay and futility.

DISPOSITION

other

CASES CITED

- *Adams v. Gould, Inc.*, 739 F.2d 858, 864, 868 (3d Cir. 1984)
- *Arthur v. Maersk, Inc.*, 434 F.3d 196, 203 (3d Cir. 2006)
- *Foman v. Davis*, 371 U.S. 178, 182 (1964)
- *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 401 U.S. 321, 331 (1971)
- *Cureton v. National Collegiate Athletic Association*, 252 F.3d 267, 273 (3d Cir. 2001)
- *Bjorgung v. Whitetail Resort, LP*, 550 F.3d 263, 266-67 (3d Cir. 2008)
- *Coventry v. U.S. Steel Corp.*, 856 F.2d 514, 520 (3d Cir. 1988)
- *CMR D.N. Corp. v. City of Philadelphia*, 703 F.3d 612, 629-30 (3d Cir. 2013)
- *Berger v. Edgewater Steel Corp.*, 911 F.2d 911, 924 (3d Cir. 1990)
- *Averbach v. Rival Manufacturing Corp.*, 879 F.2d 1196, 1203 (3d Cir. 1989)
- *Lorenz v. CSX Corp.*, 1 F.3d 1406, 1414 (3d Cir. 1993)
- *Briscoe v. Klaus*, 538 F.3d 252, 258 (3d Cir. 2008)
- *IQVIA Inc. v. Veeva Systems*
- *Phillips v. Borough of Keyport*, 179 F.R.D. 140, 144 (D.N.J. 1998)
- *In re Burlington Coat Factory Securities Litigation*, 114 F.3d 1410, 1434 (3d Cir. 1997)
- *Shane v. Fauver*, 213 F.3d 113, 115 (3d Cir. 2000)
- *Massarsky v. General Motors Corp.*, 706 F.2d 111, 125 (3d Cir. 1983)
- *Booth v. Churner*, 206 F.3d 289, 292-93 (3d Cir. 2000), *aff'd*, 532 U.S. 731 (2001)
- *Worster-Sims v. Tropicana Entertainment, Inc.*, 46 F. Supp. 3d 513, 517 (D.N.J. 2014)

- Xu v. Walsh, 2014 U.S. Dist. LEXIS 123732, at *3-4 (D.N.J. Sept. 14, 2014)
- Bintliff-Ritchie v. American Reinsurance Co., 285 F. App'x 940, 943 (3d Cir. 2008)
- Woodford v. Ngo, 548 U.S. 81, 90-92 (2006)
- Jones v. Bock, 549 U.S. 199, 216, 218 (2007)
- Nyhuis v. Reno, 204 F.3d 65, 77-78 (3d Cir. 2000)
- Spruill v. Gillis, 372 F.3d 218, 222, 227-28 (3d Cir. 2004)
- Bakhtiari v. Spaulding, 779 F. App'x 129, 132 (3d Cir. 2019)
- Baskerville v. Jackson, 2021 U.S. Dist. LEXIS 78257, at *9-10 (D.N.J. Apr. 23, 2021)
- Papasan v. Allain, 478 U.S. 265, 286 (1986)
- Talley v. Clark, 111 F.4th 255, 264 (3d Cir. 2024)
- Mays v. Untig, 2010 U.S. Dist. LEXIS 22826, at *7-10 (D.N.J. Mar. 12, 2010)
- Thompson v. Aviles (In re Thompson), 2007 U.S. Dist. LEXIS 2068, at *5 (D.N.J. Jan. 11, 2007)

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