

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Pierce Spinelli v. Scott Byars, Detective, in his individual capacity,
City of Boulder, Colorado, and Michelle Sudano, Deputy District
Attorney, in her individual capacity

Spinelli · No. 25-cv-0798-WJM-KAS · Decided January 7, 2026

SUMMARY

The United States District Court for the District of Colorado grants Pierce Spinelli’s motion for leave to file a second amended complaint. The court concludes that Spinelli’s clarified allegations concerning alleged fabrication of evidence and conspiracy to fabricate evidence distinguish the case from controlling precedent and are minimally sufficient at the amendment stage. The court declines to resolve whether the conscience-shocking standard applies to the asserted Fourth Amendment and Fourteenth Amendment procedural due process claims, reserving that issue for a later dispositive motion.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	William J. Martínez
JURISDICTION	United States District Court for the District of Colorado
DECIDED	January 7, 2026
DOCKET	25-cv-0798-WJM-KAS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 15(a)(2) for leave to file a second amended complaint after the court had dismissed his fabrication-of-evidence and conspiracy-to-fabricate-evidence claims against Michelle Sudano under Rule 12(b)(6).
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 15(a)(2), leave to amend should be freely given when justice so requires, but may be denied for undue delay, bad faith, repeated failure to cure deficiencies, undue prejudice, or futility. An amendment is futile if the amended pleading would still be subject to dismissal for failure to state a claim.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Pierce Spinelli v. Scott Byars, Detective, in his individual capacity,
City of Boulder, Colorado, Michelle Sudano, Deputy District Attorney,
in her individual capacity

TOPICS

motion to amend pleadings section 1983 procedural due process evidence

PRACTICE AREAS

civil procedure civil rights constitutional law pleading amendment

QUESTIONS PRESENTED

1. Whether Spinelli should be granted leave under Federal Rule of Civil Procedure 15(a)(2) to file a second amended complaint.
2. Whether the proposed amendment would be futile because the allegations were insufficient to state fabrication-of-evidence and conspiracy-to-fabricate-evidence claims.
3. Whether the court should deny leave based on undue delay or the law-of-the-case doctrine.
4. Whether the conscience-shocking standard applies to Spinelli's proposed Fourth Amendment and Fourteenth Amendment procedural due process claims.

HOLDINGS

1. Leave to amend should be granted because Spinelli's revised factual allegations provide additional specificity and plausibly distinguish his claims from the allegations rejected in Warnick.
2. The court declined to find the amendment futile based on the officer's report, body-camera evidence, or witness text messages because the meaning and timing of the evidence were contested and the issue was not appropriate for definitive resolution at the amendment stage.
3. The court declined to deny leave based on Spinelli's delayed presentation of his argument concerning the conscience-shocking standard and exercised its discretion not to apply the law-of-the-case doctrine to prevent amendment.

KEY QUOTATIONS

"The court should freely give leave when justice so requires." (at 4)

"These revised allegations distinguish this case from Warnick, where the plaintiff did not specify what the prosecutor had allegedly instructed the witness to say, and where the witness had allegedly initiated the meeting with the prosecutor." (at 5)

"As explained, it would not make "good sense" to force Spinelli to satisfy a legal standard that potentially does not apply." (at 9)

FACTUAL BACKGROUND

Spinelli alleges that Deputy District Attorney Michelle Sudano supplied witness Anastasia Behrens with specific facts to assert during a subsequent interview with Detective Scott Byars, including that Behrens continued saying no during the second part of her sexual encounter with Spinelli despite Sudano and Byars allegedly knowing that assertion was false. He further alleges that Sudano and Byars—not Behrens—initiated a meeting with Behrens after the preliminary hearing and that Sudano participated in efforts to advance the allegedly false account. The proposed complaint relies in part on an outline prepared by Sudano and evidence concerning Behrens's statements to investigating officers and at the preliminary hearing.

PROCEDURAL HISTORY

The court previously granted Sudano's motion to dismiss Spinelli's fabrication-of-evidence and conspiracy claims, but gave Spinelli an opportunity to seek leave to amend if he had specific factual allegations. Spinelli moved for leave to file a second amended complaint, clarifying the allegedly fabricated facts, the roles of Sudano and Byars in initiating a meeting with the witness, and the constitutional theories supporting his claims. The court granted leave, concluding that the proposed allegations distinguished the case from Warnick and were minimally sufficient to satisfy the amendment standard.

DISPOSITION

other

CASES CITED

- Warnick v. Cooley, Warnick v. Cooley, 895 F.3d 746, 752-53 (10th Cir. 2018)
- Hardin v. Manitowoc-Forsythe Corp., 691 F.2d 449, 456 (10th Cir. 1982)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Equal Emp. Opportunity Comm'n v. Roark-Whitten Hosp. 2 LP, 2017 WL 4233017, at *3 (D.N.M. Sept. 21, 2017)
- Jefferson Cnty. Sch. Dist. No. R-1 v. Moody's Investor's Servs., Inc., 175 F.3d 848, 859 (10th Cir. 1999)
- Truman v. Orem City, 1 F.4th 1227, 1236 (10th Cir. 2021)
- Brown v. City of Tulsa, 124 F.4th 1251, 1263 (10th Cir. 2025)
- Entek GRB, LLC v. Stull Ranches, LLC, 840 F.3d 1239, 1240 (10th Cir. 2016)
- U.S. v. Monsisvais, 946 F.2d 114, 117 (10th Cir. 1991)

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