

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Scott Thomas Warrington v. Markwayne Mullin

Warrington · No. 22-cv-02792-NYW-NRN · Decided April 22, 2026

SUMMARY

This omnibus order of the United States District Court for the District of Colorado resolves objections to a magistrate judge’s orders and recommendations in an employment-discrimination action brought by Scott Thomas Warrington against the Secretary of Homeland Security. The court overrules the objections, adopts recommendations denying the plaintiff’s motions to amend, denies reconsideration and related sanctions motions, and grants the defendant’s motion for summary judgment on the plaintiff’s Age Discrimination in Employment Act claim.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| COURT                 | United States District Court for the District of Colorado                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Nina Y. Wang                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| JURISDICTION          | United States District Court for the District of Colorado                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| DECIDED               | April 22, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| DOCKET                | 22-cv-02792-NYW-NRN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE    | District court omnibus review of a magistrate judge's nondispositive order and reports and recommendations concerning sanctions, amendment of pleadings, and the defendant's motion for summary judgment.                                                                                                                                                                                                                                                                                               |
| STANDARD OF REVIEW    | Under Federal Rule of Civil Procedure 72(a), nondispositive magistrate-judge orders are reviewed for clear error or whether they are contrary to law. Unobjected portions of recommendations may be reviewed for clear error on the face of the record. Properly objected-to portions of a dispositive recommendation are reviewed de novo under Rule 72(b)(3). Summary judgment is proper when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. |
| PRECEDENTIAL VALUE    | Unknown; district court omnibus order with no reporter or precedential designation identified in the source.                                                                                                                                                                                                                                                                                                                                                                                            |
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## PARTIES

Scott Thomas Warrington v. Markwayne Mullin, in his official capacity as Secretary of Homeland Security

## TOPICS

summary judgment   age discrimination   motion to amend   sanctions   civil procedure

## PRACTICE AREAS

civil procedure   employment discrimination   age discrimination   federal employment law  
administrative law

## QUESTIONS PRESENTED

1. Whether the magistrate judge clearly erred in denying Warrington's motion for sanctions against defense counsel.
2. Whether Warrington established good cause under Federal Rule of Civil Procedure 16 to amend the scheduling order after the deadline for amendment and joinder had expired.
3. Whether defendant was entitled to summary judgment on Warrington's ADEA age-discrimination claim.
4. Whether Warrington's objections to the magistrate judge's order and recommendation concerning his second motion to amend should be sustained.
5. Whether the remaining pending motions should be denied as moot after summary judgment eliminated the remaining live claim.

## HOLDINGS

1. The objection to the denial of sanctions was overruled because the district court was not left with a definite and firm conviction that the magistrate judge had made a mistake.
2. A party seeking to amend a pleading after the scheduling-order deadline must first establish good cause under Rule 16; only then does the court consider whether amendment is proper under Rule 15.
3. Defendant was entitled to summary judgment because Warrington failed to present evidence from which a reasonable jury could conclude that age was the cause of his termination or that defendant's stated reason was pretextual.
4. The remaining pending motions and the objection to the April 13 order were denied or overruled as moot because summary judgment left no live claim.

## KEY QUOTATIONS

*“Mr. Warrington has failed to adduce evidence from which a reasonable jury could conclude that he was terminated because of his age.” (Analysis § III)*

*“First, the party must demonstrate that there is good cause pursuant to Rule 16 of the Federal Rules of Civil Procedure to amend the Scheduling Order. Only after the party satisfies this first prong does the Court*

*consider the second prong, i.e., whether amendment is proper under Rule 15 of the Federal Rules of Civil Procedure.” (Analysis § II)*

## FACTUAL BACKGROUND

Warrington, who was over forty, worked for the Transportation Security Administration from 2014 until his termination on January 16, 2020. The termination followed an investigation into repeated texts and calls to a United Airlines employee and an alleged violation of a TSA no-contact order and anti-harassment policy. Warrington asserted that his termination violated the ADEA and that agency procedures and the investigation were deficient, but the court found no evidence from which a reasonable jury could infer that age was the basis for the termination.

## PROCEDURAL HISTORY

Warrington sued federal defendants asserting age discrimination under the ADEA and Fifth Amendment due process claims arising from the termination of his TSA employment. After dismissal of the due process claims, the ADEA claim against the Secretary of Homeland Security in his official capacity remained. The magistrate judge denied a sanctions motion, recommended denial of two motions to amend, and recommended granting defendant's motion for summary judgment. The district court overruled Warrington's objections, adopted the recommendations, granted summary judgment, denied the amendments and remaining motions, and directed the clerk to terminate the case.

## DISPOSITION

other

## CASES CITED

- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Anderson v. City of Bessemer City, 470 U.S. 564, 573 (1985)
- Ocelot Oil Corp. v. Sparrow Indus., 847 F.2d 1458, 1464 (10th Cir. 1988)
- Summers v. Utah, 927 F.2d 1165, 1167 (10th Cir. 1991)
- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Crowe v. ADT Sec. Servs., Inc., 649 F.3d 1189, 1194 (10th Cir. 2011)
- Bones v. Honeywell Int'l, Inc., 366 F.3d 869, 875 (10th Cir. 2004)
- Adler v. Wal-Mart Stores, Inc., 144 F.3d 664, 671 (10th Cir. 1998)
- Fogarty v. Gallegos, 523 F.3d 1147, 1165 (10th Cir. 2008)
- Banner Bank v. First Am. Title Ins. Co., 916 F.3d 1323, 1326 (10th Cir. 2019)
- Kazazian v. Emergency Serv. Physicians, P.C., 300 F.R.D. 672, 676-78 (D. Colo. 2014)
- Greeley Pub. Co. v. Hergert, 233 F.R.D. 607, 610 (D. Colo. 2006)
- Gaiardo v. Ethyl Corp., 835 F.2d 479, 483 (3d Cir. 1987)
- Gorsuch, Ltd., B.C. v. Wells Fargo Nat'l Bank Ass'n, 771 F.3d 1230, 1240, 1242 (10th Cir. 2014)

- Husky Ventures, Inc. v. B55 Invs., Ltd., 911 F.3d 1000, 1020 (10th Cir. 2018)
- Thomson v. Salt Lake Cnty., 584 F.3d 1304, 1312 (10th Cir. 2009)
- Adamson v. Multi Cmty. Diversified Servs., Inc., 514 F.3d 1136, 1146 (10th Cir. 2008)
- United States v. Lewis, 594 F.3d 1270, 1275 (10th Cir. 2010)
- Elgin v. Dep't of Treasury, 567 U.S. 1, 5-6 (2012)
- United States v. Fausto, 484 U.S. 439, 455 (1988)

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