

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Mamadou L. Bah v. Royal Air Maroc

Bah · No. 24-CV-6515 (VSB) (KHP) · Decided December 1, 2025

SUMMARY

The United States District Court for the Southern District of New York grants pro se plaintiff Mamadou L. Bah leave to amend his complaint against Royal Air Maroc. The court finds no undue delay, bad faith, prejudice, or futility sufficient to deny amendment, and directs Bah to file an amended complaint by December 31, 2025. The order also sets a schedule for Defendant's response and subsequent motion practice.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Katharine H. Parker
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	December 1, 2025
DOCKET	24-CV-6515 (VSB) (KHP)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's request for leave to amend, made in opposition to Defendant's motion to dismiss, was construed as a motion to amend under Federal Rule of Civil Procedure 15(a)(2).
STANDARD OF REVIEW	Leave to amend is governed by Federal Rule of Civil Procedure 15(a)(2) and should be freely granted when justice so requires, particularly for pro se litigants, unless amendment would be futile, unduly delayed, undertaken in bad faith, or prejudicial to the opposing party.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court opinion
PARTIES	Mamadou L. Bah v. Royal Air Maroc

TOPICS

- motion to amend
- pleadings
- motions to dismiss
- civil procedure
- breach of contract

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Bah should be granted leave to amend his complaint under Federal Rule of Civil Procedure 15(a)(2).
2. Whether the proposed amendment would be futile because the Montreal Convention might govern and preclude Bah's asserted claims.
3. Whether undue delay, bad faith, or prejudice warranted denying leave to amend.

HOLDINGS

1. A pro se plaintiff should generally be afforded at least one opportunity to amend a complaint unless amendment would be futile or there is undue delay, bad faith, or prejudice.
2. The proposed amendment was not shown to be futile because Bah might be able to allege additional facts, including physical injury, that could state a valid claim depending on whether the Montreal Convention governs the action.
3. The record did not establish undue delay, bad faith, or prejudice sufficient to deny leave to amend.

KEY QUOTATIONS

“District courts generally should grant a self-represented plaintiff an opportunity to amend a complaint to cure its defects, unless amendment would be futile.” (Legal Standard)

“Leave to amend pleadings should be freely granted “when justice so requires.”” (Discussion)

FACTUAL BACKGROUND

Bah purchased a Royal Air Maroc ticket for travel from Guinea to the United States and traveled with a checked bag and a carry-on bag. At the airport, a Royal Air Maroc employee and supervisor told him he had to pay \$205 in cash to bring the carry-on bag on the flight, and Bah alleges he paid after being given the alternatives of paying, returning the bag, or missing the flight. He also alleged that the supervisor made discriminatory and harassing statements concerning his nationality and race and that he suffered physical injury, an allegation raised in his opposition to dismissal.

PROCEDURAL HISTORY

Bah filed the action in 2024. Royal Air Maroc moved to dismiss, and Bah requested leave to amend in his opposition. The magistrate judge granted leave to amend before reaching the merits of the motion to dismiss, directed Bah to file an amended complaint by December 31, 2025, and set a schedule for responsive filings.

DISPOSITION

other

CASES CITED

- Jackson National Life Insurance Co. v. Merrill Lynch & Co., Inc., 32 F.3d 697, 699-700 (2d Cir. 1994)
- Daniels v. Wyndham Destinations, 2025 WL 2430671, at *1-*2 (S.D.N.Y. Aug. 21, 2025)
- Randolph v. Lindsay, 837 F. Supp. 2d 160, 162 (W.D.N.Y. 2011)
- Tracy v. Freshwater, 623 F.3d 90, 101 (2d Cir. 2010)
- Holmes v. Goldin, 615 F.2d 83, 85 (2d Cir. 1980)
- LeSane v. Hall's Security Analyst, Inc., 239 F.3d 206, 209 (2d Cir. 2001)
- Ruotolo v. IRS, 28 F.3d 6, 8 (2d Cir. 1994)
- Ortiz v. Local 32BJ, 2008 WL 2604810, at *3 (S.D.N.Y. June 25, 2008)
- Olson v. Major League Baseball, 29 F.4th 59, 72 (2d Cir. 2022)
- United States ex rel. Raffington v. Bon Secours Health System, 285 F. Supp. 3d 759, 766 (S.D.N.Y. 2018)
- Schvimmer v. Office of Court Administration, 857 F. App'x 668, 673 (2d Cir. 2021)
- Block v. First Blood Associates, 988 F.2d 344, 350 (2d Cir. 1993)
- Randolph Foundation v. Duncan, 2002 WL 32862, at *1, *3 (S.D.N.Y. Jan. 9, 2002)
- Agerbrink v. Model Service LLC, 155 F. Supp. 3d 448, 454 (S.D.N.Y. 2016)
- Ruotolo v. City of New York, 514 F.3d 184, 192 (2d Cir. 2008)