

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, FORT WAYNE DIVISION

Harrison Shaw, Jr. v. CNS Networks LLC

Shaw · No. 1:25-CV-238-HAB-ALT · Decided January 28, 2026

SUMMARY

The United States District Court for the Northern District of Indiana adopted the magistrate judge’s Report and Recommendation allowing Plaintiff Harrison Shaw, Jr. to amend his Title VII complaint. The Court directed the clerk to strike and re-docket the second amended complaint, which would become the operative complaint, and dismissed the pending motion to dismiss as moot.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, Fort Wayne Division
WRITING FOR THE COURT	Holly A. Brady
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	January 28, 2026
DOCKET	1:25-CV-238-HAB-ALT
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's unobjected-to Report and Recommendation addressing Defendant's motion to dismiss and recommending that Plaintiff be allowed to file a second amended complaint.
STANDARD OF REVIEW	For portions of an R&R to which no objection is made, the district court reviews for clear error.
PRECEDENTIAL VALUE	unpublished
PARTIES	Harrison Shaw, Jr. v. CNS Networks LLC

TOPICS

- motion to amend
- motions to dismiss
- pleadings
- title vii
- civil procedure

PRACTICE AREAS

- civil procedure
- employment law
- title vii

QUESTIONS PRESENTED

1. Whether the district court should adopt the unobjected-to Report and Recommendation recommending that Shaw be permitted to file a second amended complaint.
2. Whether Shaw's second amended complaint, filed before the district court adopted the R&R and without prior leave of court, was permissible.
3. What procedural action should be taken regarding the prematurely filed second amended complaint and the pending motion to dismiss.

HOLDINGS

1. When no objection or only a partial objection is made to an R&R, the district court reviews the unobjected portions for clear error.
2. Because Shaw had already amended once as a matter of course and had not yet obtained written consent or leave of court, his second amended complaint was impermissible when filed before adoption of the R&R.
3. After adopting the R&R and thereby granting leave to amend, the court directed that the prematurely filed second amended complaint be struck and re-docketed as of the order's date; once re-docketed, it would be the operative complaint and the pending motion to dismiss would be dismissed as moot.

KEY QUOTATIONS

"If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error." (at 1)

"Therefore, the amended complaint was impermissible at the time filed but, given the Court's acceptance of the R & R, it is permissible now." (at 2)

FACTUAL BACKGROUND

Shaw, proceeding pro se, alleged that CNS Networks LLC violated Title VII in his first amended complaint. After CNS Networks moved to dismiss, the magistrate judge concluded that the motion identified drafting issues rather than defects requiring merits dismissal and recommended permitting another amendment. Shaw filed a second amended complaint before the district court adopted the recommendation.

PROCEDURAL HISTORY

Shaw filed a first amended complaint alleging Title VII violations, and CNS Networks moved to dismiss it. The motion was referred to Magistrate Judge Andrew L. Teel, who recommended allowing Shaw fifteen days to file a second amended complaint because the motion concerned drafting issues rather than the merits. No party objected. Before the district court adopted the R&R, Shaw filed a second amended complaint without leave; the district court adopted the R&R, directed the clerk to strike and re-docket that complaint as of the order's date, and ordered that the pending motion to dismiss be dismissed as moot after re-docketing.

DISPOSITION

other

CASES CITED

- Johnson v. Zema Sys. Corp., 170 F.3d 734, 739 (7th Cir. 1999)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA FORT WAYNE
DIVISION HARRISON SHAW, JR.,)) Plaintiff,)) v.) Cause No. 1:25-CV-238-HAB-ALT)
CNS NETWORKS LLC,)) Defendant.) OPINION AND ORDER ADOPTING REPORT AND
RECOMMENDATION This matter is before the Court for an Order on the Magistrate Judge's
Report and Recommendation ("R&R") in which the Magistrate Judge recommends the Court
allow Plaintiff Harrison Shaw, Jr. fifteen days from the adoption of the R&R to file a second
amended complaint.

(ECF No. 38). The parties were advised of the 14-day objection period under Fed. R. Civ. P. 72(b). That deadline has passed without any objections filed by the parties. Shaw, proceeding pro se, filed his first amended complaint against Defendant CNS Networks LLC on July 28, 2025, alleging violations of Title VII of the Civil Right Act of 1964. (ECF No. 22).

CNS Networks filed a motion to dismiss the amended complaint on August 1, 2025. (ECF No. 24). The Court referred this motion to Magistrate Judge Andrew L. Teel for a Report and Recommendation (ECF No. 37). In his R&R, Magistrate Judge Teel concluded that CNS Networks' motion addressed drafting issues rather than the merits of the claim, and recommended, therefore, that Shaw be allowed to amend his complaint.

R&R at 1-2. Neither party objected. "If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error." Johnson v. Zema Sys. Corp., 170 F.3d 734, 739 (7th Cir. 1999).

As recounted above, the parties have not objected to the recommended disposition of the case. The Court has reviewed the Magistrate Judge's R&R. The Magistrate Judge engaged in a thorough discussion of the relevant law, and the Court finds that the R&R is not clearly erroneous and is amply supported by the record.

The Court agrees that allowing Shaw to amend his complaint is appropriate here. Accordingly, the Court adopts the Magistrate Judge's recommendations. (ECF no. 38) On January 15, 2026, before the R&R was adopted, Shaw filed his second amended complaint. (ECF No. 41). A plaintiff may file an amended complaint once as a matter of course within 21 days after serving the initial complaint or within 21 days after service of either a responsive pleading or a motion under Rule 12(b), (e), or (f).

Fed. R. Civ. P. 15(a). In all other cases, a plaintiff may file an amended complaint only with the opposing party's written consent or the court's leave. *Id.* Here, because plaintiff had already amended once as of right (ECF No. 22) and he had not received leave of court to file his second amended complaint, his second amended complaint was an impermissible attempt at amendment.

While the Court acknowledges that the R&R recommended the Court grant such leave, leave could not be granted until the R&R was adopted by this Court. Therefore, the amended complaint was impermissible at the time filed but, given the Court's acceptance of the R & R, it is permissible now.

Accordingly, the Court directs the clerk to strike the amended complaint (ECF No. 41) and directs the Court to re-docket the amended complaint as of the date of entry of this Order. Once the amended complaint is re-docketed, it will be considered the operative complaint, and the pending motion to dismiss (ECF No. 24) will be dismissed as moot. SO ORDERED on January 28, 2026.

s/ Holly A. Brady_____ CHIEF JUDGE HOLLY A. BRADY UNITED STATES DISTRICT COURT