

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PRECEDENTIAL VALUE	unpublished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)

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