

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 2, 2026

Thomas B. Plunkett, III
Clerk

No. 25-50732
Summary Calendar

DEREK ARREDONDO,

Plaintiff—Appellant,

versus

CITY OF SAN MARCOS; BOB KLETT; BERT LUMBRERAS; SAN
MARCOS CITY COUNCIL MEMBERS; HAYS COUNTY; GARY
CUTLER; SAN MARCOS DOE OFFICERS; HAYS COUNTY DOE
OFFICERS,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:22-CV-684

Before KING, HIGGINSON, and DOUGLAS, *Circuit Judges.*

STEPHEN A. HIGGINSON, *Circuit Judge*:*

Plaintiff-Appellant Derek Arredondo appeals from the district court's partial grant of Defendants' motions for summary judgment, denial of default

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 25-50732

judgment, denial of leave to amend, and “other judgments adverse to [P]laintiff.” We AFFIRM.

First, Arredondo argues that the district court abused its discretion by denying him leave to amend. Arredondo formally moved for leave to amend his complaint in October 2024, long after the June 2023 court-ordered deadline for amendment and more than a month after the district court granted partial summary judgment against Arredondo.¹ The district court denied the motion, explaining that Arredondo had not “shown an adequate reason as to why he failed to timely move for amendment” and “fail[ed] to explain how amendment could change the outcome of the case, given that the Court has already found summary judgment for Defendants.”

“We review denials of leave to amend a complaint for abuse of discretion.” *Jack v. Evonik Corp.*, 79 F.4th 547, 564 (5th Cir. 2023). While a district court’s discretion is normally cabined under Rule 15(a) “unless there is a substantial reason” for denying leave to amend, *Dussouy v. Gulf Coast Inv. Corp.*, 660 F.2d 594, 597–98 (5th Cir. 1981), deadlines for amendment set in a scheduling order may only be modified under Rule 16(b) upon a “demonstration of good cause.” *S&W Enters., L.L.C. v. SouthTrust Bank of Ala., NA*, 315 F.3d 533, 535–36 (5th Cir. 2003). “In determining good cause, we consider four factors: ‘(1) the explanation for the failure to timely move for leave to amend; (2) the importance of the amendment; (3) potential prejudice in allowing the amendment; and (4) the availability of a continuance to cure such prejudice.’” *Sw. Bell Tel. Co. v. City of El Paso*, 346

¹ As Arredondo notes in his reply, he first requested leave to amend his complaint in his May 2024 opposition to one of the motions for summary judgment, where he requested leave if the district court perceived any pleading deficiencies. Whether assessing the May 2024 opposition or the October 2024 motion, Arredondo’s request was untimely, and the district court did not abuse its discretion for all the same reasons below.

No. 25-50732

F.3d 541, 546 (5th Cir. 2003) (quoting *S&W Enters.*, 315 F.3d at 536). Good cause requires a party “to show that the deadlines cannot reasonably be met despite the diligence of the party needing the extension.” *Id.* (quoting *S&W Enters.*, 315 F.3d at 535).

Here, the district court did not abuse its discretion in concluding that Arredondo had not demonstrated good cause for his substantial delay. The parties submitted—and the district court entered—a jointly proposed schedule that gave Arredondo almost one year from the time his complaint was removed to federal court to amend his pleadings. Instead of timely seeking amendment by that deadline, Arredondo first requested leave to amend almost two years after his case was removed to federal court, eleven months after the amendment deadline, and two months after the discovery deadline. While Arredondo briefly argued that there was newly revealed video body camera evidence, he has not specifically explained what that evidence is or why he could not have previously obtained this evidence through discovery.

Arredondo takes issue with the fact that pleading deficiencies were identified for the first time at summary judgment. But the district court did not abuse its discretion when it held that Arredondo had not adequately explained how amendment could overcome the evidentiary deficiencies at the (more exacting) summary judgment stage, particularly given that Arredondo seemingly did not conduct any discovery. *See Briddle v. Scott*, 63 F.3d 364, 380 (5th Cir. 1995) (“[A]fter summary judgment has been granted, the court has even more reason for refusing to allow amendment.” (quotation omitted)).

Second, Arredondo argues that the district court abused its discretion in setting aside default against Defendants Klett and Lumbreras and closing the case against them without requiring them to file responsive pleadings.

No. 25-50732

Klett and Lumbreras appeared a week after default was entered against them. The magistrate judge recommended setting aside the entry of default against these Defendants, finding that their failure to act was not willful, that setting aside the default would not prejudice Arredondo, and that the Defendants had presented potentially meritorious defenses. Arredondo did not object, and the district court adopted the magistrate judge's report and recommendation.

Because Arredondo was warned that he must file written objections within fourteen days and did not object to the report and recommendation, we review only for plain error. *See Alexander v. Verizon Wireless Servs., L.L.C.*, 875 F.3d 243, 248 (5th Cir. 2017). Here, the magistrate judge applied the correct factors when assessing whether there was good cause to set aside the default, *see Effjohn Int'l Cruise Holdings, Inc. v. A&L Sales, Inc.*, 346 F.3d 552, 563 (5th Cir. 2003), and the district court did not commit plain error in adopting the report and recommendation. "Default judgments are a drastic remedy, not favored by the Federal Rules and resorted to by the courts only in extreme situations." *Sun Bank of Ocala v. Pelican Homestead & Sav. Ass'n*, 874 F.2d 274, 276 (5th Cir. 1989) (footnotes omitted). While Arredondo complains that the court should have ordered these Defendants to file an answer or responsive pleading before dismissing the claims against them, Arredondo cites no authority supporting this argument, and defaulting defendants may generally benefit from summary judgment rulings in favor of appearing defendants. *See Lewis v. Lynn*, 236 F.3d 766, 768 (5th Cir. 2001).

Finally, Arredondo briefly argues that the district court improperly resolved factual disputes in the moving Defendants' favor, without reference to specific evidence supporting his view. This and any remaining arguments were not sufficiently briefed in Arredondo's opening brief, and a "party who inadequately briefs an issue is considered to have abandoned the claim." *Cinel v. Connick*, 15 F.3d 1338, 1345 (5th Cir. 1994).

No. 25-50732

We AFFIRM.