

United States Court of Appeals  
For the Eighth Circuit

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No. 20-1166

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Victoria L. Haynes, also known as Victoria L. Bass

*Plaintiff - Appellant*

v.

Benton N. Bass

*Defendant - Appellee*

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Appeal from United States District Court  
for the Western District of Arkansas - Hot Springs

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Submitted: November 3, 2020

Filed: November 6, 2020

[Unpublished]

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Before BENTON, WOLLMAN, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Victoria Haynes appeals following the district court's<sup>1</sup> adverse grant of summary judgment in her diversity action against her ex-husband, Benton Bass.

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<sup>1</sup>The Honorable Robert T. Dawson, United States District Judge for the Western District of Arkansas, now retired.

Upon de novo review, see Barse v. United States, 957 F.3d 883, 885 (8th Cir. 2020) (standard of review), we agree with the district court that it lacked subject matter jurisdiction, as the fraud claim was inextricably intertwined with the parties' divorce action. See Kahn v. Kahn, 21 F.3d 859, 861-62 (8th Cir. 1994) (under domestic relations exception, federal court lacked subject matter jurisdiction to hear tort claims inextricably intertwined with property settlement incident to divorce proceeding). We find no error in the denial of Haynes's motion for leave to amend the complaint, as the court lacked jurisdiction over her proposed amended complaint for the same reasons. See Reuter v. Jax Ltd., Inc., 711 F.3d 918, 921 (8th Cir. 2013) (denial of leave to amend is reviewed for abuse of discretion and question of futility is reviewed de novo). However, we modify the dismissal of the action to be without prejudice. See Cty. of Mille Lacs v. Benjamin, 361 F.3d 460, 464-65 (8th Cir. 2004). We also deny Haynes's appellate motion to disqualify Bass's counsel. See Awnings v. Fullerton, 912 F.3d 1089, 1096 (8th Cir. 2019).

The judgment is affirmed as modified. See 8th Cir. R. 47B.

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