

United States Court of Appeals
For the Eighth Circuit

No. 16-1181

Tynisha Latrice Reinerio

Plaintiff - Appellant

v.

The Bank of New York Mellon, formerly known as The Bank of New York; Bank of America, N.A.; Southlaw P.C.

Defendants - Appellees

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: August 23, 2016
Filed: August 26, 2016
[Unpublished]

Before LOKEN, BENTON, and KELLY, Circuit Judges.

PER CURIAM.

Tynisha Reinerio appeals after the district court¹ dismissed her complaint. On appeal, she argues that the district court erred by denying her motion for remand because it lacked jurisdiction, by dismissing her claims, and by denying motions to compel discovery. Reinerio also files motions to exclude certain evidence from the appellate record.

First, upon de novo review, we conclude that removal was proper. See Block v. Toyota Motor Corp., 665 F.3d 944, 947-48 (8th Cir. 2011) (standard of review; describing fraudulent joinder standard). Second, we find no reason to reverse the dismissal order, as Reinerio failed to allege sufficient facts in her amended complaint to state a claim. See Anderson-Tully Co. v. McDaniel, 571 F.3d 760, 762 (8th Cir. 2009) (standard of review); see also Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (pleading that offers labels and conclusions, formulaic recitation of elements of cause of action, or tenders naked assertions devoid of further factual enhancement does not suffice). Third, we conclude that the district court did not grossly abuse its discretion by denying Reinerio's discovery motions. See Roberts v. Shawnee Mission Ford, Inc. 352 F.3d 358, 360 (8th Cir. 2003) (standard of review).

In conclusion, we deny Reinerio's motions, see Fed. R. App. P. 10(a) (listing items that constitute record on appeal, including original papers and exhibits filed in district court), and we affirm, see 8th Cir. R. 47B.

¹The Honorable Fernando J. Gaitan, Jr., United States District Judge for the Western District of Missouri.