

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

DANIELLE POLITE,
Plaintiff,

v.

NO. 3:14-cv-01921 (VAB)

WINN RESIDENTIAL,
Defendant.

**RULING ON DEFENDANT'S SECOND MOTION TO DISMISS AND
PLAINTIFF'S MOTION TO AMEND HER COMPLAINT**

Plaintiff, Danielle Polite, has sued her former landlord, Winn-Residential CT LLC (“Winn”). She filed her initial Complaint on December 19, 2014, alleging several legal claims.¹ *See* Compl., ECF No. 1. On January 15, 2016, this Court granted Winn’s Motion to Dismiss, because Ms. Polite’s initial Complaint failed to state any legal claims upon which relief could be granted under Federal Rule of Civil Procedure 12(b)(6). Ruling on Mot. to Dismiss, ECF No. 31. The dismissal was without prejudice to Ms. Polite re-pleading her claims one more time. *Id.*

In response, Ms. Polite has filed an Amended Complaint, ECF No. 32, and Winn has filed a Second Motion to Dismiss, ECF No. 33. Ms. Polite’s Amended Complaint fails to address any of the concerns the Court raised in its January 15, 2016 ruling. Accordingly, Winn’s Second Motion to Dismiss, ECF No. 33, is **GRANTED** for the same reasons the Court provided in that January 15, 2016 ruling.

Ms. Polite also filed a Motion to Amend her Amended Complaint. Mot. to Amend Compl., ECF No. 36. She attached a Proposed Amended Complaint to the motion. Proposed Am. Compl., ECF No. 36-1.

¹ The Court described these claims in more detail in its Ruling on the Motion to Dismiss, ECF No. 31.

Under Federal Rule of Civil Procedure 15(a)(2), the Court should grant leave to amend a complaint freely if justice so requires. In considering whether to grant a motion to amend, the Court considers such factors as undue delay, bad faith, dilatory motive, undue prejudice, and futility of the amendment. *See Foman v. Davis*, 371 U.S. 178, 182 (1962). An amendment is futile if it fails to state a claim that would survive a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *Lucente v. Int'l. Bus. Machs. Corp.*, 310 F.3d 243, 258 (2d Cir. 2002).

Ms. Polite's proposed amendment does not provide any additional facts or plausible legal claims that would survive a motion to dismiss under Rule 12(b)(6). Accordingly, her Motion to Amend her Amended Complaint, ECF No. 36, is **DENIED** because it would be futile.

Because the Court has dismissed all of Ms. Polite's claims, the Clerk is directed to close the case.

SO ORDERED this twenty-fourth day of June 2016 at Bridgeport, Connecticut

/s/ Victor A. Bolden
VICTOR A. BOLDEN
UNITED STATES DISTRICT JUDGE