

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to file an amended complaint.

On March 11, 2016, the Court reviewed this action under 28 U.S.C. § 1915(e) and dismissed it for failure to state a claim. In the instant motion, plaintiff seeks leave to add three new defendants, none of whom are state actors.

Although the Federal Rules have a liberal policy towards amendments, “[p]ost-dismissal motions to amend are disfavored,” *In re Medtronic, Inc., Sprint Fidelis Leads Products Liability Litigation*, 623 F.3d 1200, 1208 (8th Cir. 2010), and amendments should not be granted when they would be frivolous or “futile,” *see Foman v. Davis*, 371 U.S. 178, 182 (1962). In this case, the proposed amendments are futile. The proposed defendants would necessarily be dismissed for the same reasons the Court dismissed defendant Nancy Huber.

Accordingly,

IT IS HERBY ORDERED that plaintiff's motion to amend [ECF No. 11] is **DENIED**.

Dated this 23rd day of March, 2016.

\s\ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE