

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GLORIA BLAIR BROWN,)	
)	
Plaintiff,)	
)	
v.)	No. 4:12CV1012 JCH
)	
MARYLAND NATIONAL)	
PROCESSING CENTER, U.S.)	
DEPT. OF HOMELAND)	
SECURITY (FEMA),)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Before the Court are several post-dismissal, post-appeal motions submitted by plaintiff, including a motion to reopen her case. For the following reasons, the Court will deny plaintiff’s motions.

In June of 2012, plaintiff file a pro se complaint in this Court, as well as a motion seeking to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915. The Court granted plaintiff’s motion to proceed in forma pauperis, and after a review of her complaint, dismissed this action pursuant to Fed.R.Civ.P. 12(h)(3) for lack of jurisdiction.

Plaintiff, a citizen of the state of Indiana, brought this action against “the Maryland National Processing Center, U.S. Department of Homeland Security,

FEMA,” alleging that FEMA failed to assist her with the “roofing” on her property in St. Louis, Missouri. Plaintiff sought monetary damages and “repair, take money that was paid out, ins. too.”

In her complaint, plaintiff had failed to state the grounds for filing the action in Federal Court. Moreover, as a result of the limited allegations contained in the complaint, there was no indication that the instant action arose under the Constitution, laws or treaties of the United States, thus, federal question jurisdiction under 28 U.S.C. § 1331 was inapplicable. Furthermore, even liberally construing the complaint as brought under § 1332, the Court could not find that diversity existed. The amount in controversy was unspecified and plaintiff had failed to properly allege an actual defendant or diversity of citizenship. On appeal, the Eighth Circuit upheld this Court’s Rule 12(h)(3) dismissal.

On June 10, 2013, plaintiff filed a motion to reopen this matter, attaching a new complaint to her motion that is essentially a replica of her first complaint in this action. The new complaint names as a defendant the “Maryland National Processing Center, U.S. Department of Court, Eastern District of, Homeland Security, FEMA,” and simply states that plaintiff is refiling her action for “the property of [her] building in St. Louis MO. 63133.” Plaintiff, still a citizen of Indiana, states in the body of the complaint that FEMA still is failing to assist her

with the roof on her property in St. Louis. As plaintiff's allegations have not substantially changed, the Court will decline to reopen a matter which it has already stated it lacked jurisdiction over in a prior Memorandum and Order.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's post-dismissal motions to reopen her case [Doc. #14 and #15] are **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel and motion for leave to proceed in forma pauperis [Doc. #16 and #17] are **DENIED AS MOOT**.

Dated this 13th day of June, 2013.

/s/Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE