

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN R. MENENDEZ,)
)
 Plaintiff,)
)
 vs.)
)
 JP MORGAN CHASE BANK NA)
 SAFEGUARD PROPERTIES LLC)
 WELLS FARGO BANK NA,)
)

Case No. 4:12CV1073 HEA

Defendants.

MEMORANDUM AND ORDER

_____This matter is before the Court on Plaintiff’s Motion for Amendment of Order Granting Leave to Join and Dismissal for Lack of Jurisdiction to Include Remand. . .to Missouri Circuit Court of the City of St. Louis. [Doc. No. 54]. Defendants oppose the motion. For the reasons stated below, the Motion is denied.

Plaintiff sought to add party defendants, however, Plaintiff essentially asked the Court to dismiss this action based on his argument that additional parties were needed, and therefore, under Rule 19 of the Federal Rules of Civil Procedure, dismissal was necessary to fully adjudicate the merits. The Court granted the motion over Defendants’ objections, finding that joinder was required. Notably, Plaintiff has never submitted a proposed Amended Complaint joining the new

defendants. Moreover, Plaintiff's argument is based solely on the convenience factor for Plaintiff that he will not have to re-file the case and will only have to serve the new defendants. The Court is unaware of the identity of the new defendants, and legally, were the Court to amend the Order, it could not remand the case because the non-diverse defendants have not been joined. Plaintiff still does not seek leave to file an Amended Complaint adding the non-diverse defendants.

The Court has exercised its equitable power and dismissed this action pursuant to rule 19(b). Plaintiff's motion seeking amendment and remand fail to fall within the purview of this exercise.

Accordingly

IT IS HEREBY ORDERED that Plaintiff's Motion to Amend, [Doc. No. 53], is denied.

Dated this 22nd day of November, 2013.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE