

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

VIVIAN HOUSTON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:13CV01338 DDN
)	
GERSHMAN INVESTMENT CORP.,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff’s motion for leave to file an amended complaint. The Court dismissed this action on July 18, 2013, for lack of subject matter jurisdiction. The Court will deny the motion.

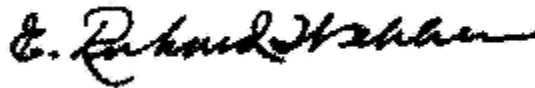
First, the Court notes that plaintiff’s “right to amend as a matter of course ended with the entry of the judgment of dismissal.” Fearon v.Henderson, 756 F.2d 267, 267 (2nd Cir. 1985), *overruled on other grounds by* Campos v. LeFevre, 825 F.2d 671 (2nd Cir. 1985); *see* United Steelworkers of America, AFL-CIO v. Mesker Bros. Industries, Inc., 457 F.2d 91, 93 (8th Cir. 1972). Second, to obtain leave to file an amended complaint, “a party must submit the proposed amendment along with its motion.” Clayton v. White Hall School Dist., 778 F.2d 457, 460 (8th Cir. 1985); *see* Wolgin v. Simon, 722 F.2d 389, 395 (8th Cir.1983) (“Absent some indication as to

what might be added to the complaint to make it viable, the [moving party] is not entitled to leave to amend.”). Plaintiff has not done so. Finally, the Court has reviewed the allegations in the motion to amend and finds that plaintiff has wholly failed to allege facts or law that would support a finding that this Court has subject matter over her claims.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion for leave to file an amended complaint [ECF No. 6] is **DENIED**.

So Ordered this 25th day of July, 2013.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE