

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

ANGELA NAILS,)	
)	
Plaintiff,)	
)	
v.)	No. 4:15CV983 CEJ
)	
MASTERCARD DISPUTES,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff’s post-dismissal motion for leave to amend her complaint. Also before the Court is plaintiff’s request for an email copy of her complaint and accompanying attachments.

Plaintiff filed the instant action against defendant “MasterCard Disputes” to recover damages arising from an allegedly improper charge to her credit card. The complaint alleged that plaintiff used her MasterCard credit card to purchase a one-year warranty from an automobile dealership for an engine for her car. Plaintiff asserted that she later discovered that the dealership had charged her for a two-year warranty. When the dealership refused to refund her money, plaintiff filed this action against MasterCard attempting to recover the amount charged to her credit card by the automobile dealership.

The Court dismissed the present action based on the doctrine of res judicata, as plaintiff had filed a prior complaint against MasterCard based on the same set of facts as those alleged in the instant action that had been dismissed with prejudice. *See Nails v. MasterCard Disputes*, 4:15CV126 CEJ (E.D.Mo.). Alternatively, plaintiff’s complaint was dismissed for lack of subject matter jurisdiction, pursuant to Fed.R.Civ.P.12(h)(3).

In her motion to amend the complaint, plaintiff fails to indicate how she would amend her pleading to either plead subject matter jurisdiction or to avoid the bar presented by the dismissal of her first case. Futility of a proposed amendment and repeated failure to cure deficiencies are two reasons to deny post-dismissal leave to amend. *See United States ex rel. Roop v. Hypoguard USA, Inc.*, 559 F.3d 818, 823 (8th Cir.2009). The Court concludes that plaintiff's motion to amend fails to overcome the disfavor with which such motions are viewed and the fact that the proposed amended claims are likely futile. Thus, the motion will be denied.

Plaintiff's request to have a copy of the complaint and its accompanying attachments emailed to her will also be denied. Plaintiff may obtain copies of documents filed in this case from the Clerk's Office, either in person or by mail, after paying the copying fee of \$0.50 per page in advance.

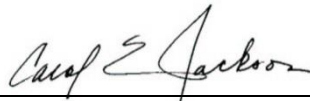
Accordingly,

IT IS HEREBY ORDERED that plaintiff's post-dismissal motion to amend her complaint [Doc. #5] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's request for email copies of her complaint and accompanying attachments is **DENIED**.

IT IS FURTHER ORDERED that an appeal of this action would not be taken in good faith.

Dated this 10th day of July, 2015.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE