

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

KIM YEVETTE FLANIGAN,

Plaintiff,

v.

BANK OF AMERICA, et al.,

Defendants.

No. 4:15CV1191 JAR

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's post-dismissal, post-appellate motion to reopen her case. [Doc. #18]. The motion will be denied.

Plaintiff, who filed the instant action pro se, sought this Court's intervention into her state law divorce proceedings which occurred in 2013. In her complaint, which was dismissed by this Court on August 27, 2015, plaintiff stated that her ex-husband, Gerald Smith, divorced her in February of 2013, in St. Louis County Court. Plaintiff claimed that at the time of the trial in her divorce proceedings, in December of 2012, she was confined in the Metropolitan Psychiatric Center pending felony charges in St. Louis County Circuit Court, Case No. 10SL-CR4806, on an indictment for forgery, and on charges for property damage and for peace disturbance, in Case No. 12SL-CR2940.¹ Plaintiff asserted that the divorce decree was decided wrongfully and she requested that this Court overturn the divorce and assist her in tracing money that used to be held in what was once joint bank accounts opened under the names Gerald and Kim Smith.

The Court dismissed this action, without prejudice, for lack of subject matter jurisdiction on August 27, 2015. *See* Fed.R.Civ.P.12(h)(3). Plaintiff's appeal of the dismissal was dismissed

¹ According to Court records, plaintiff was represented by both a Guardian ad Litem, as well as her own attorney in the divorce proceedings.

on April 7, 2016, due to plaintiff's failure to prosecute her appeal. *See Flanigan v. Bank of America*, No. 16-1533 (8th Cir. 2016).


Plaintiff states in her motion that she wishes to "reopen" the present matter because she was "in jail" and "didn't have the money to pay for [her] case to be reheard and also change of address." None of the aforementioned reasons establish jurisdiction in this Court for the present action. Thus, the Court will deny plaintiff's action to reopen this case.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's post-dismissal motion to reopen the present action [Doc. #18] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff shall not be allowed to file any additional motions in this closed case.

Dated this 3rd day of August, 2016.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE