

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LEOURIETA B. GLASS,)	8:11CV211
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
STATE OF NEBRASKA, et al.,)	
)	
Defendants.)	

This matter is before the court on Plaintiff’s “Motion to Amend Plaintiffs Complaint and Add New Parties and Plaintiffs Brief to Defendants Motion to Dismiss.” (Filing No. [214](#).) Plaintiff does not specify whether she seeks amendment pursuant to [Federal Rule of Civil Procedure 15](#) or seeks relief from judgment pursuant to [Federal Rules of Civil Procedure 59](#) and [60](#). Regardless, for the reasons set forth below, the court finds that Plaintiff’s Motion should be denied.

On May 3, 2012, the court dismissed Plaintiff’s Complaint with prejudice for failure to comply with [Rule 8 of the Federal Rules of Civil Procedure](#). (Filing No. [212](#) at CM/ECF p. 2.) Plaintiff now seeks post-judgment leave to amend her Complaint to add three defendants to this matter, including the undersigned judge, Kathleen Neary (who is counsel for Defendant Rigoberto Campos in this matter), and Kathleen Neary’s law firm. (Filing No. [214](#).) In addition, Plaintiff states in her Motion that she did not receive notice of the court’s January 6, 2012, Memorandum and Order, which required her to amend her Complaint in accordance with Rules 8 and 10 of the Federal Rules of Civil Procedure. (*Id.*; see Filing No. [193](#).)

Whether the court construes Plaintiff’s Motion as one seeking amendment or one seeking relief from judgment, the Motion is futile, vexatious, and frivolous. First, in response to Plaintiff’s statement that she did not receive notice of the court’s January 6 Memorandum and Order, the court notes that Plaintiff sought and received

an extension of time to file an amended complaint in response to the court's January 6 Memorandum and Order. (See Plaintiff's Motion to Continue at Filing No. [194](#); see also text-only order dated January 19, 2012, granting Plaintiff's Motion to Continue.) Thus, it follows that she received notice of the court's order requiring her to amend her complaint. Second, Plaintiff had more than 90 days in which to amend her Complaint to comply with Rule 8 pleading requirements. She did not do so. Further, she did not seek additional time in which to do so. Third, Plaintiff failed to offer any explanation as to why the undersigned judge, Kathleen Neary, and Kathleen Neary's law firm should be added as defendants in this matter. The court can only assume that Plaintiff's motivation is dilatory, and she hopes to further delay the resolution of this matter. For these reasons, Plaintiff's Motion will be denied.

IT IS THEREFORE ORDERED that: Plaintiff's Motion to Amend (Filing No. [214](#)) is denied.

DATED this 9th day of May, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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