

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, LOUISVILLE DIVISION

Faris v. Centers for Disease Control & Prevention, et al.

Faris · No. 3:22-cv-23-BJB · Decided June 8, 2026

SUMMARY

The United States District Court for the Western District of Kentucky denied Michael Faris’s motion for leave to amend his complaint in litigation challenging enforcement of a federal airline mask mandate. The court found undue delay, prejudice, and futility because the proposed claims largely repeated previously rejected claims and would face procedural and federal-preemption obstacles.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Louisville Division
JURISDICTION	United States District Court for the Western District of Kentucky, Louisville Division
DECIDED	June 8, 2026
DOCKET	3:22-cv-23-BJB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 15(a)(2) for leave to amend his complaint after the court had granted the defendants judgment on the pleadings on his remaining claims and before entry of final judgment in a separate document.
STANDARD OF REVIEW	Leave to amend under Rule 15(a)(2) is committed to the court's discretion and may be denied for undue delay, lack of notice, bad faith, repeated failure to cure deficiencies, undue prejudice, or futility. An amendment is futile if it could not withstand a Rule 12(b)(6) motion to dismiss.
PRECEDENTIAL VALUE	Unknown

TOPICS

- motion to amend
- motion for judgment on the pleadings
- motions to dismiss
- civil procedure
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Faris should be granted leave under Federal Rule of Civil Procedure 15(a)(2) to amend his complaint more than four years after filing and after the court had granted judgment on the pleadings on his remaining claims.
2. Whether the proposed amendment was futile because the existing and proposed claims could not withstand dismissal, including because of federal preemption.
3. Whether undue delay and resulting prejudice supported denial of leave to amend.

HOLDINGS

1. Leave to amend under Rule 15(a)(2) was properly denied because Faris waited more than four years, offered no adequate explanation for the delay, and sought to repackage claims arising from the same events after prior claims had been dismissed or resolved by judgment.
2. The proposed amendment was futile because the previously rejected federal, contract, and California Unruh Act claims would not fare better when repleaded, and the proposed state-law claims appeared subject to the same federal preemption that had defeated several prior state tort claims.
3. Rule 15 does not provide a backdoor means of obtaining another opportunity to litigate claims after judgment on the pleadings, particularly where the plaintiff has not pursued the specific relief available under Rules 59 or 60.

KEY QUOTATIONS

“In deciding whether to grant a motion to amend, courts should consider undue delay in filing, lack of notice to the opposing party, bad faith by the moving party, repeated failure to cure deficiencies by previous amendments, undue prejudice to the opposing party, and futility of amendment.”

“The Federal Rules’ generally liberal policy toward amendment doesn’t translate to reconsideration. Plaintiffs don’t get an extra “bite at the apple,” at least not without some good reason.”

FACTUAL BACKGROUND

Faris's action arose from enforcement of a federal airline mask mandate during the COVID-19 pandemic. More than four years after filing suit, and after his claims had been litigated through dismissal or judgment, he sought to replead largely the same events while adding factual detail and new state-law theories. He provided no explanation for why the proposed facts or claims could not have been raised earlier.

PROCEDURAL HISTORY

Michael Faris filed a pro se complaint against the CDC, the Department of Health and Human Services, and five airlines concerning enforcement of a COVID-era federal airline mask mandate. The court resolved a preliminary-injunction request, two motions to dismiss, and a motion for judgment on the pleadings, granting judgment to the remaining defendants on Faris's California Unruh Act and Section 504 Rehabilitation Act

claims. Faris then sought leave to amend to add factual allegations and new state-law claims, including negligence, intentional infliction of emotional distress, and a Kentucky Civil Rights Act claim. The court denied leave to amend.

DISPOSITION

other

CASES CITED

- Brumbalough v. Camelot Care Centers, 427 F.3d 996, 1001 (6th Cir. 2005)
- Riverview Health Institute v. Medical Mutual of Ohio, 601 F.3d 505, 512 (6th Cir. 2010)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Duggins v. Steak 'N Shake, 195 F.3d 828, 834 (6th Cir. 1999)
- Commercial Money Center v. Illinois Union Insurance Co., 508 F.3d 327, 346 (6th Cir. 2007)
- Parklane Hosiery Co. v. Shore, 439 U.S. 322, 330 (1979)

OPINION

Faris

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF KENTUCKY

LOUISVILLE DIVISION

MICHAEL FARIS PLAINTIFF

v. No. 3:22-cv-23-BJB

CENTERS FOR DISEASE CONTROL & DEFENDANTS

PREVENTION, ET AL. * * * * *

MEMORANDUM OPINION AND ORDER

More than four years ago, Michael Faris sued the CDC, the Department of Health and Human Services, and five airlines. His pro se complaint alleged that enforcement of a Covid-era federal airline mask mandate violated several federal and state laws. Complaint (DN 1). Since then, this Court has resolved a request for a preliminary injunction, DN 122, two motions to dismiss, DN 135 and 145, and a motion for judgment on the pleadings, DN 173. That last decision granted the remaining Defendants judgment on Faris's remaining claims: under California's Unruh Act and Section 504 of the federal Rehabilitation Act. DN 173 at 6. Before the Court entered final judgment, Faris moved for leave to amend his complaint under Rule 15(a)(2) of the Federal Rules of Civil Procedure. DN 174. As he acknowledges, this proposed amendment "does not add new parties and is based on the same underlying events and occurrences set forth in the original Complaint." Id. at 2. It instead purports to "clarify factual allegations, add additional factual support, clarify injuries and damages, and assert additional state law claims where appropriate."

Id. at 1–2. Yet this proposed amendment largely retells the same old story—albeit repackaged with new claims of negligence, intentional infliction of emotional distress, and a Kentucky Civil Rights Act violation. DN 174-1 at 18–25. After a defendant has filed a responsive pleading to an initial complaint— which in this case happened long ago—a plaintiff “may amend [his] pleading only with the opposing party’s written consent or with the court’s leave.” FED. R. CIV. P. 15(a)(2). None of the opposing parties have consented. See Opposition to Plaintiff’s Motion (DN 175) at 1. So an amended complaint would demand leave of court. Which, according to Rule 15(a)(2), should follow “when justice so requires.” “In deciding whether to grant a motion to amend, courts should consider undue delay in filing, lack of notice to the opposing party, bad faith by the moving party, repeated failure to cure deficiencies by previous amendments, undue prejudice to the opposing party, and futility of amendment.” *Brumbalough v. Camelot Care Centers*, 427 F.3d 996, 1001 (6th Cir. 2005). As for timeliness, Faris filed his motion for leave more than four years after his initial complaint and after all his previous claims arising from the same incident had been litigated to dismissal or judgment. He offers no explanation why any facts were previously unavailable, why this amendment would cure any past deficiency, or why he otherwise couldn’t have raised these additional state-law claims sooner. The proposed amendment is also futile. That is, “the amendment could not withstand a Rule 12(b)(6) motion to dismiss.” *Riverview Health Institute v. Medical Mutual of Ohio*, 601 F.3d 505, 512 (6th Cir. 2010). As discussed above, Faris’s federal claims, breach-of-contract claim, and California Unruh Act claim have already failed to withstand Rule 12 motions. See DNs 135, 145, 173. Nothing suggests they would fare better the second time around. As for his new state-law claims, Faris provides no reason to think that they wouldn’t fall victim to the same federal preemption that doomed several of his previous state tort claims. See DN 145 at 9-10, 12-14. And in any event, his undue delay in filing would cause significant prejudice to the defendants, who would have to litigate anew claims that could (and in some respects did) arrive more than four years ago. See, e.g., *Foman v. Davis*, 371 U.S. 178, 182 (1962) (“undue prejudice to the opposing party” supported denying leave to amend); *Duggins v. Steak ‘N Shake*, 195 F.3d 828, 834 (6th Cir. 1999) (“allowing amendment after the close of discovery creates significant prejudice”). True, the defendants had notice long ago—so surprise is not the concern, but prejudicial delay is. The Federal Rules’ generally liberal policy toward amendment doesn’t translate to reconsideration. Plaintiffs don’t get an extra “bite at the apple,” at least not without some good reason. *Commercial Money Center v. Illinois Union Ins.*, 508 F.3d 327, 346 (6th Cir. 2007) (citation omitted). Certainly not after the grant of a motion for judgment on the pleadings. As the Defendants note, Faris hasn’t sought leave to alter or amend the judgment under Rules 59 or 60, which offer specific and narrow paths to revisiting a final judgment. Nothing suggests Rule 15 maps some roundabout route to the backdoor. Cf. *Parklane Hosiery v. Shore*, 439 U.S. 322, 330

(1979) (collateral estoppel may bar efforts to “test the water” with some claims before raising others). True, by the time Faris filed the Court hadn’t yet entered judgment in a separate

document under Rule 58(a). But the age and history of this just-ended litigation belies any notion that Faris could—without a very, very good reason—hit restart by repleading under Rule 15. The Court therefore denies Faris’s motion for leave to amend. DN 174.

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