

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)

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