

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-1591

RICHARD PEAMON,

Plaintiff - Appellant,

v.

VERIZON CORP.,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore. George L. Russell, III, District Judge. (1:14-cv-00549-GLR)

Submitted: August 7, 2014

Decided: August 20, 2014

Before MOTZ, KING, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Richard Peamon, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard Peamon appeals the district court's orders dismissing his civil complaint without prejudice for lack of subject matter jurisdiction and denying his motion for leave to amend, which the court construed as a Fed. R. Civ. P. 59(e) motion. We have reviewed the record and find no reversible error. Accordingly, we affirm the dismissal of the complaint for the reasons stated by the district court. See Peamon v. Verizon Corp., No. 1:14-cv-00549-GLR (D. Md. Apr. 22, 2014).

Turning to Peamon's motion for leave to amend, we note that the district court correctly recognized that it could not grant the post-judgment motion without first vacating the judgment pursuant to Rule 59(e) or Fed. R. Civ. P. 60(b). See Laber v. Harvey, 438 F.3d 404, 427 (4th Cir. 2006) (en banc). Rather than analyzing Peamon's motion under the legal standards set forth in Rule 59(e), however, the court should have "evaluate[d] [Peamon's] postjudgment motion to amend the complaint 'under the same legal standard as a similar motion filed before judgment was entered – for prejudice, bad faith, or futility.'" Katyle v. Penn Nat'l Gaming, Inc., 637 F.3d 462, 471 (4th Cir. 2011). Because it is clear that, in seeking to amend his complaint, Peamon merely sought to artificially inflate his damages in order to obtain subject matter jurisdiction, we conclude that Peamon's motion to amend was

filed in bad faith and any resulting error by the district court was harmless. We therefore affirm the district court's denial of Peamon's motion for leave to amend.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED