

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 14, 2026

Lyle W. Cayce
Clerk

No. 25-20171
Summary Calendar

RICARDO FORNESA, JR.; CYNTHIA FORNESA,

Plaintiffs—Appellants,

versus

ENTERPRISE FINANCIAL GROUP, INCORPORATED; JOHN
PAPPANASTOS; SCOTT KNAPP,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:24-CV-4639

Before GRAVES, HO, and WILSON, *Circuit Judges*.

PER CURIAM:*

Ricardo Fornesa, Jr., and Cynthia Fornesa (Plaintiffs) appeal an order of the district court dismissing their second amended complaint (SAC) against the above-listed defendants (the EFG Defendants) for lack of jurisdiction. The SAC alleged that Plaintiffs and the EFG Defendants were all citizens or residents of Texas, but it added an additional defendant who

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 25-20171

was alleged to be a resident of Missouri. Because there was no complete diversity, the district court did not err in dismissing the SAC for lack of subject matter jurisdiction. *See* 28 U.S.C. § 1332(a)(1); *In re Levy*, 52 F.4th 244, 246 (5th Cir. 2022). Nor did it err in dismissing the SAC for lack of jurisdiction under 28 U.S.C. § 1331 as it did not raise any federal causes of action.

Plaintiffs also challenge the district court's denial of their motion pursuant to Federal Rule of Civil Procedure 15 to file a third amended complaint adding claims under the Federal Trade Commission Act and the Magnuson-Moss Warranty Act. Considering the facts of this particular case, we conclude that the district court did not abuse its discretion in denying the motion to amend. *See Smith v. EMC Corp.*, 393 F.3d 590, 595 (5th Cir. 2004).

The judgment of the district court is AFFIRMED.