

United States Court of Appeals  
For the Eighth Circuit

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No. 25-3500

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David Pitlor

*Plaintiff - Appellant*

v.

TD Ameritrade, Inc.; Charles Schwab & Co., Inc.

*Defendants - Appellees*

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Appeal from United States District Court  
for the District of Nebraska - Omaha

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Submitted: September 9, 2026

Filed: September 14, 2026

[Unpublished]

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Before GRASZ, KOBES, and TRAYNOR, Circuit Judges.

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PER CURIAM.

David Pitlor appeals the district court's<sup>1</sup> dismissal for lack of jurisdiction of his petition to vacate an arbitration award. Following a careful review, we conclude that

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<sup>1</sup>The Honorable Susan M. Bazis, United States District Judge for the District of Nebraska.

the district court correctly found it lacked subject-matter jurisdiction over the petition, as Pitlor did not identify any jurisdictional basis independent of the underlying dispute. *See Badgerow v. Walters*, 596 U.S. 1, 8-9, 11 (2022) (federal court may entertain petition to vacate arbitration award only if the action has an independent jurisdictional basis on the face of the petition itself; court may not look through the petition to the underlying substantive dispute to find basis for jurisdiction).

Accordingly, we grant appellees' pending motion to take judicial notice of Pitlor's prior lawsuits, and we affirm, but we modify the dismissal to be without prejudice. *See* 8th Cir. R. 47B; *Hart v. United States*, 630 F.3d 1085, 1091 (8th Cir. 2011) (affirming dismissal based on lack of subject-matter jurisdiction, but modifying dismissal to be without prejudice).

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