

(Doc. 23, at 2 (emphasis in original).) Copies of the May 13 Order were transmitted to Ely both at his physical address of record and at the email address he provided to the Clerk of Court.

The June 6 deadline has come and gone; however, Ely has not filed the requisite amended complaint. In fact, he has not filed anything in this case since his last Motion for Continuance (doc. 22) back on April 29, 2016. Ely has not attempted to amend his Complaint, as directed in bold text in the May 13 Order. He has not requested enlargement of that deadline for any reason. He has done nothing, even though he was on notice that unless he filed an amended complaint on or before June 6, 2016, this action may be summarily dismissed. Ely's silence suggests that he has abandoned his claims against the named defendants. Even if he does not intend to abandon this action, the facts remain that (i) his Complaint does not comport with minimum pleading requirements under the Federal Rules of Civil Procedure; (ii) his Complaint appears to be barred by the doctrine of res judicata, as an improper attempt to relitigate claims previously litigated by someone with whom he is in privity (*i.e.*, his mother); (iii) Ely has failed to avail himself of a full and fair opportunity to amend the Complaint to correct those pleading deficiencies; and (iv) Ely did not comply with the clear directive in the May 13 Order that he must amend his pleading.

In light of the foregoing circumstances, this action is **dismissed without prejudice** pursuant to Rule 12(b)(6), Fed.R.Civ.P., because the Complaint fails to state a claim on which relief can be granted. In the alternative, this action is **dismissed without prejudice** for failure to prosecute and failure to obey the Court's orders, based on Ely's noncompliance with the May 13 Order and his failure to make any attempt to amend his pleading within the allotted timeframe, all despite clear notice that failure to do so would result in the prompt dismissal of his lawsuit. A separate judgment will enter.

DONE and ORDERED this 10th day of June, 2016.

s/ WILLIAM H. STEELE

CHIEF UNITED STATES DISTRICT JUDGE