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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LATONYA R. FINLEY,
Plaintiff,
v.
DISCOVER FINANCIAL SERVICES LLC,
Defendant.

Case No. 13-cv-01898-JCS

**ORDER DISMISSING ACTION WITH
PREJUDICE**

Plaintiff filed a complaint asserting claims based on an alleged breach by Defendant of a repayment agreement between the parties. She also requested leave to proceed in forma pauperis. The Court granted her request but dismissed the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) in an order filed May 15, 2013. The Court explained that Plaintiff’s complaint failed to satisfy the requirements of Rule 8(a)(2) of the Federal Rules of Civil Procedure because it did not allege any specific facts as to the alleged wrongful conduct; rather, the complaint contained only conclusory allegations that did not provide sufficient notice to the Defendant as to the basis for Plaintiff’s claims. Plaintiff was given leave to amend her complaint and filed an amended complaint on May 28, 2013. The amended complaint, however, like the original complaint, does not contain any specific factual allegations relating to the alleged wrongful conduct. Indeed, it is identical to the original complaint with the exception of paragraph 8, which now states, “[w]ith a lack of the conviction defendant breached financial performance, when defendant obstructed payments to Merchants made on the credit card account number 7964.”¹

¹ In the original complaint, paragraph 8 stated, “Defendant breach that contract when Defendant failed to apply plaintiff payments to a new account set up solely for payments purposes per contractual agreement.”

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Because Plaintiff's amended complaint fails to remedy the deficiency identified in the Court's previous order, the amended complaint is dismissed with prejudice. The Clerk is instructed to enter judgment in favor of Defendant and close the file in this case.

IT IS SO ORDERED.

Dated: May 30, 2013



JOSEPH C. SPERO
United States Magistrate Judge