

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JENNIFER THOMAS,)	
)	
Plaintiff,)	
)	
v.)	Civ. No.14-1023-SLR
)	
NEW CASTLE COUNTY POLICE)	
DEPARTMENT, et al.,)	
)	
Defendants.)	

MEMORANDUM

1. **Introduction.** Plaintiff Jennifer Thomas (“plaintiff”) filed this lawsuit on August 6, 2014 alleging constitutional violations under federal law and the wrongful death of her fiancé under state law. (D.I. 2) She proceeds *pro se* and has been granted leave to proceed *in forma pauperis*. The court reviewed the allegations in the complaint and concluded that plaintiff is not the real party in interest. (See D.I. 6. 7)

2. **Discussion.** As previously discussed, the complaint does not indicate that plaintiff is the executor or administrator of the estate of Green, that Green’s children are minors, or that she is the legal custodian of Green’s children. Given plaintiff’s *pro se* status, she was given leave to amend the complaint to name the real party in interest pursuant to Fed. R. Civ. P. 17(a). (See *id.*)

3. Plaintiff filed an amended complaint on November 26, 2014. (D.I. 8) The amended complaint states that plaintiff is the surviving/fiancé parent of Jamya Green and Neugeh Green and that their father is the decedent James Green. The amendment, however, does not resolve the issue of the real party in interest. Similar to

the original complaint, the amended complaint does not state that plaintiff is the executor or administrator of the estate of Green, that Green's children are minors, or that she is the legal custodian of Green's children (although plaintiff states in the amended complaint that she is the "surviving parent of the children"). Plaintiff will be given one final opportunity to file an amendment complaint to remedy the issue of the real party in interest.

4. **Conclusion.** The amended complaint will be dismissed without prejudice. Plaintiff will be given one final opportunity to file an amended complaint to name the real party in interest. An appropriate order will be entered.


UNITED STATES DISTRICT JUDGE

Date: January 16, 2015