

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

<b>BETTY OCTAVE</b>	§	
	§	<b>PLAINTIFF</b>
<b>v.</b>	§	<b>CAUSE NO. 1:09CV753 LG-RHW</b>
	§	
<b>BEAU RIVAGE RESORTS, ET AL.</b>	§	<b>DEFENDANTS</b>

**ORDER OF DISMISSAL**

THIS CAUSE comes before the Court *sua sponte* for consideration of dismissal. The named Defendants, Beau Rivage Resorts, Inc. and ThyssenKrupp Elevator Corporation, obtained summary judgment of Plaintiff’s claims against them on March 22, 2011. (ECF No. 101) In the Memorandum Opinion and Order granting summary judgment, the Court noted that Plaintiff’s claims against Defendants ABC and DEF remained. Plaintiff was required to file an amended complaint identifying these fictional defendants within 20 days of the date of the Memorandum Opinion and Order if she intended to pursue her claims against them. She was warned that her failure to do so would result in dismissal of the claims. More than 20 days have passed, and Plaintiff has not filed an amended complaint. Accordingly, her claims against the fictional defendants will be dismissed without prejudice.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the Plaintiff’s claims against Defendants ABC and DEF are **DISMISSED** without prejudice. The Clerk of Court may now close the case.

**SO ORDERED AND ADJUDGED** this the 11<sup>th</sup> day of April, 2011.

*s/ Louis Guirola, Jr.*  
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LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE