

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ARTRELL REED,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 4:18CV1831 HEA
	)	
LUTHERAN SENIOR SERVICES,	)	
	)	
Defendant,	)	

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on Defendant’s Motion to Dismiss Plaintiff’s Amended Complaint, [Doc. Nos. 15]. Defendant moved to dismiss Plaintiff’s Amended Complaint, filed on November 5, 2018 for failure to comply with the Court’s Order of December 6, 2018 which granted Defendant’s Motion for More Definite Statement. Plaintiff was required to file a second amended complaint within 14 days from December 6, 2018. *i.e.*, December 20, 2018. Plaintiff attempted to file a “Petition” on January 7, 2019 and a Third Amended Complaint on March 26, 2019, without leave of Court. Plaintiff failed to comply. Plaintiff did file, however, “*Pro Se* Motion to Explain the Missed Deadline” on June 3, 2019 and a Reply to Defendant’s Response to the Motion on June 7, 2019. In these pleadings, Plaintiff claims that she was out of the country until December 1, 2018, that someone was collecting her mail, that she was caring for her sibling, that

she was under the care of a physician, whom she saw on December 7 and had a CT scan on December 11, 2018, and that she was referred to see another specialist. Plaintiff also states that she was taking two classes and had multiple tests and assignments. Plaintiff states that she was “unaware when the Fed Ex document was received[,]” and that she “was unaware there were important time sensitive documents complied [sic] in the shopping bag of mail.” Plaintiff claims that once she discovered the documents, she had to research information to prepare the amended court documents.

Plaintiff’s explanation of her untimely filing fails to establish “good cause” for her failure to comply with the Court’s order. Plaintiff has presented nothing to establish that she was incapable of filing the amended complaint within the time provided by the Court, rather, she presents scenarios that might have hindered her ability to act, but that, with reasonable diligence, would not have precluded timely filing.

Plaintiff has failed to prosecute her claims in a timely manner and has failed to comply with the Court order which allowed her the opportunity to cure the defects in her original Complaint. Defendant’s Motion to Dismiss is well taken. See Fed.R.Civ.P. Rule 41(b).

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motions to Dismiss, [Doc. No. 15, is granted.

Dated this 16<sup>th</sup> day of July, 2019.

  
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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE