

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JE BRYANT HUDSON,)
)
Plaintiff,)
)
v.)
)
SQUARE, INC.,)
)
Defendant.)

No. 4:20-CV-1294 RLW

MEMORANDUM AND ORDER

This matter is before the Court on review of the file. On September 21, 2020, self-represented Plaintiff Je Bryant Hudson (“Plaintiff”) filed a Complaint against Defendant Square, Inc. (“Defendant”) on a Court-provided form, alleging race and religious discrimination in violation of Title VII of the Civil Rights Act of 1964. (ECF No. 1) On September 28, 2020, this Court dismissed Plaintiff’s claim for race discrimination without prejudice for failure to exhaust administrative remedies. (ECF Nos. 4, 5.)

Defendant Square, Inc. filed a Motion to Dismiss (ECF No. 10) on February 3, 2021, in which it argues that Plaintiff’s remaining claim for religious discrimination fails to state a claim upon which relief can be granted. Defendant asserts that Plaintiff has not alleged facts, as opposed to conclusions, that tend to show he was terminated because of his religion and that his Complaint is defective for failing to state a plausible claim as required by the Supreme Court’s decision in Ashcroft v. Iqbal, 556 U.S. 662 (2009). Plaintiff’s response to Defendant’s Motion to Dismiss was due on February 17, 2021, but Plaintiff has not filed any response.

The Court has reviewed Defendant’s Motion to Dismiss. Without making any comment about the merits of the Motion, the Court will give Plaintiff an opportunity to cure the asserted

pleading defects, and grants Plaintiff leave of Court to file an amended complaint under Federal Rule of Civil Procedure 15(a)(2).

Plaintiff is warned that the filing of an amended complaint replaces the original complaint, and so it must include all claims he wishes to bring. See, e.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation, 396 F.3d 922, 928 (8th Cir. 2005). Plaintiff must submit the amended complaint on a Court-provided form, and the amended complaint must comply with Rules 8 and 10 of the Federal Rules of Civil Procedure. Rule 8 requires a plaintiff to set forth a short and plain statement of the claim showing he is entitled to relief, and it also requires that this be simple, concise, and direct. Rule 10 requires a plaintiff to state his claims in separately numbered paragraphs, each limited as far as possible to a single set of circumstances. In these numbered paragraphs, Plaintiff must set forth the specific facts that support his religious discrimination claim against the Defendant. In reviewing a motion to dismiss, the Court must accept as true all of the factual allegations contained in a complaint, but this rule does not apply to legal conclusions. Iqbal, 556 U.S. at 678. And it is insufficient to merely list the elements of a cause of action and support it with conclusory statements. Id.

If Plaintiff files an amended complaint by the deadline the Court will set, the Court will deny the pending Motion to Dismiss without prejudice, as moot. If Plaintiff does not timely file an amended complaint, he must instead timely file a response to the Motion to Dismiss, and the Court will decide the Motion on the merits.

Accordingly,

IT IS HEREBY ORDERED that either Plaintiff's amended complaint or Plaintiff's response to Square, Inc.'s Motion to Dismiss must be filed by **April 21, 2021**.

IT IS FURTHER ORDERED that if Plaintiff does not file either an amended complaint or a response to the Defendant's Motion to Dismiss by April 21, 2021, the Court will either dismiss this action for Plaintiff's failure to comply with its orders, or proceed to decide the Defendant's Motion to Dismiss without any response by Plaintiff.

IT IS FURTHER ORDERED that the Clerk shall send Plaintiff a form Employment Discrimination Complaint.

Ronnie L. White
RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 31st day of March, 2021.