

identical to the original. As such, Plaintiff has not set forth enough factual allegations to “nudge[] [his] claims across the line from conceivable to plausible,” and his claims “must be dismissed” for failing to state a claim upon which relief can be granted. [*Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 569-70 \(2007\)](#); see also [*Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1950 \(2009\)](#) (“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”). For these reasons, and for the reasons set forth in the court’s April 20, 2010, Memorandum and Order, Plaintiff’s Amended Complaint fails to state a claim upon which relief may be granted and is dismissed in its entirety.

IT IS THEREFORE ORDERED that:

1. Pursuant to [28 U.S.C. § 1915\(e\)\(2\)\(ii\)](#), Plaintiff’s Amended Complaint is dismissed without prejudice because it fails to state a claim upon which relief may be granted; and
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 12th day of May, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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