



discriminated against him in the past, the allegations of the Amended Complaints are 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 August 8, 2011, Memorandum and Order, Plaintiff’s Amended Complaints fail to state a claim upon which relief may be granted.

IT IS THEREFORE ORDERED that: Pursuant to [28 U.S.C. § 1915\(e\)\(2\)\(B\)\(ii\)](#), this matter is dismissed without prejudice because Plaintiff has failed to state a claim upon which relief may be granted. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 7<sup>th</sup> day of December, 2011.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge

---

\*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.