

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CLIFFORD J. GRAF,	:	
	:	
Plaintiff,	:	Civ. No. 14-2613 (RBK) (AMD)
	:	
v.	:	
	:	
GARY M. LANIGAN, et al.,	:	MEMORANDUM AND ORDER
	:	
Defendants.	:	
	:	

Plaintiff is a state prisoner proceeding *pro se* with a civil rights complaint filed pursuant 42 U.S.C. § 1983. On January 27, 2016, this Court granted defendants’ motion to dismiss the complaint for failure to state a claim and the complaint was dismissed without prejudice. (*See* Dkt. Nos. 14 & 15) Plaintiff was given thirty days in which to file a proposed all-inclusive amended complaint. After that thirty-day period expired, defendants submitted a letter to this Court seeking to have this matter dismissed with prejudice because plaintiff had not filed a proposed amended complaint within the thirty-day window. On March 15, 2016, this Court dismissed this action with prejudice as plaintiff had not filed a proposed all-inclusive amended complaint.

Subsequently, on March 17, 2016, this Court received a letter from plaintiff. In light of this letter, the Clerk will be ordered to reopen this case. In the letter, plaintiff states that he never received a copy of this Court’s January 27, 2016 decision that dismissed his complaint without prejudice. He requests an additional thirty days in which to file a proposed amended complaint.

Giving plaintiff the benefit of the doubt and in the interests of justice, this Court will vacate its March 15, 2016 Order that dismissed this action without prejudice. Furthermore, this

Court will give plaintiff thirty days from the date of this Order in which to submit a proposed all-inclusive amended complaint.

Accordingly, IT IS this 28th day of March, 2016,

ORDERED that the Clerk shall reopen this case; and it is further

ORDERED that this Court's March 15, 2016 Order (Dkt. No. 16) that dismissed this action with prejudice is vacated; and it is further

ORDERED that plaintiff shall have thirty (30) days from the date of this Order in which to file an all-inclusive proposed amended complaint if he elects to do so; and it is further

ORDERED that the Clerk shall serve this Order on plaintiff by regular U.S. mail; and it is further

ORDERED that the Clerk shall reclose this case subject to reopening if plaintiff files a proposed amended complaint within thirty (30) days of this Order.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge