

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

KWASI SEKOU MUHAMMAD,	:	
	:	Civil Action No. 12-1260 (SDW)
Plaintiff,	:	
	:	
v.	:	MEMORANDUM ORDER
	:	
STATE OF NEW JERSEY, et al.,	:	
	:	
Defendants.	:	

THIS MATTER comes before the Court by application/motion filed by Plaintiff, Kwasi Sekou Muhammad, to re-open his case and file a Second Amended Complaint. (ECF No. 13.) It appears that:

1. On February 29, 2012, Plaintiff filed a Complaint asserting various due process claims regarding the revocation of his parole. Plaintiff also submitted an application to proceed *in forma pauperis* (“IFP”). (ECF No. 1.) Thereafter, on May 11, 2012, Plaintiff filed an Amended Complaint. (ECF No. 4.)

2. On January 22, 2013, this Court issued an Opinion and Order granting Plaintiff’s IFP application and dismissing the Amended Complaint without prejudice to Plaintiff submitting a Second Amended Complaint to cure the deficiencies of his pleading as noted in the Court’s January 22, 2013 Opinion, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1). (ECF Nos. 5, 6.)

3. On April 19, 2013, Plaintiff submitted a Second Amended Complaint. (ECF No. 12.) On July 3, 2013, Plaintiff filed this motion to re-open his case with a copy of his Second Amended Complaint. (ECF No. 13.)

4. This Court directs the Clerk of the Court to re-open this case to allow this Court to screen the Second Amended Complaint as required under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A.

5. This Court has screened the Second Amended Complaint and finds that the amendment fails to cure any of the deficiencies as set forth in this Court's January 22, 2013 Opinion and Order. Because Plaintiff has had two opportunities to amend his pleading and has failed to cure the deficiencies as noted in this Court's January 22, 2013 Opinion and Order, the Court will dismiss with prejudice the Second Amended Complaint for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1).

THEREFORE, IT IS ON THIS 7th day of July, 2014

ORDERED that the Clerk shall RE-OPEN the file in order for this Court to screen the Second Amended Complaint (ECF No. 12) for dismissal pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A; and it is further

ORDERED that the Second Amended Complaint is DISMISSED WITH PREJUDICE, in its entirety as against all named Defendants, for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1); and it is finally

ORDERED that the Clerk shall serve a copy of this Order upon Plaintiff by regular mail, and shall RE-CLOSE the file accordingly.

s/ Susan D. Wigenton
SUSAN D. WIGENTON
United States District Judge