

**NOT FOR PUBLICATION**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

HEBA AWAD, et al.,	:	CIVIL ACTION NO. 09-1996 (MLC)
	:	
Plaintiffs,	:	<b>MEMORANDUM OPINION</b>
	:	
v.	:	
	:	
LORD & TAYLOR, et al.,	:	
	:	
Defendants.	:	
_____	:	

**THE COURT** – in an order, entered September 10, 2009 (“September Order”) – ordered (1) the plaintiffs to inform the Court by September 29, 2009, whether they sought to recover damages pursuant to 42 U.S.C. § 1983, and (2) that if the plaintiffs failed to comply with the September Order, then on September 30, 2009, or soon thereafter, the Court would (a) dismiss the Complaint with prejudice insofar as it may be construed to assert claims under 42 U.S.C. § 1983, and (b) remand the action to state court for lack of subject matter jurisdiction. (Dkt. entry no. 5, 9-10-09 Order.) The Court assumes the parties are familiar with the contents of the September Order. (See id.)

**THE PLAINTIFFS** have failed to respond to the September Order. For good cause appearing, the Court will (1) dismiss the Complaint with prejudice insofar as it may be construed to assert claims under 42 U.S.C. § 1983, and (2) remand the action insofar

as it concerns claims pursuant to state law to state court. The Court will issue an appropriate order and judgment.

s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge

Dated: October 6, 2009