

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

_____	:	
SIOBHAN JONES,	:	
	:	
Plaintiff,	:	
	:	Civil Action No. 16-1286 (MAS) (DEA)
v.	:	
	:	MEMORANDUM ORDER
UNITED STATES FOOD AND DRUG	:	
ADMINISTRATION, et al.,	:	
	:	
Defendants.	:	
_____	:	

On July 18, 2017, the Court granted Defendants¹ twelve Motions to Dismiss Plaintiff Imani Siobhan Jones’s (“Plaintiff”) Complaint without prejudice. (ECF No. 155.) In its Order the Court stated:

[t]o the extent Plaintiff seeks to amend her pleading with claims over which the Court can exercise subject matter jurisdiction, Plaintiff may file an Amended Complaint by August 17, 2017. If Plaintiff fails to file an Amended Complaint by this deadline, the Court will dismiss Plaintiff’s Complaint with prejudice. The Court notes, however, that this Order does not preclude Plaintiff from filing her claims in the appropriate state court within the deadlines and in compliance with the rules set forth by the appropriate state court.

(July 18, 2017 Order 3, ECF No. 155.)


¹ The following Defendants filed Motions to Dismiss: Dr. Marc Schucman, Anne Klein Forensic Center, Greystone Park Psychiatric Hospital, Trenton Psychiatric Hospital, Dr. Joseph Kyu Chong, Johnson & Johnson Healthcare Systems, Inc., Janssen Pharmaceuticals, Inc., Ortho McNeil Pharmaceuticals, Otsuka America Pharmaceutical, Inc., GlaxoSmithKline LLC, Mutual Pharmaceutical Company, Inc., the Department of Veterans Affairs, the United States Food and Drug Administration, Rutgers University Behavioral Healthcare, Princeton House Behavioral Health Center, Saint Peter’s University Hospital, Capital Health System, Inc., and Robert Wood Johnson University Hospital (collectively “Defendants”) (ECF Nos. 125, 126, 127, 128, 129, 130, 131, 133, 134, 135, 137, 140).

On August 17, 2017, Plaintiff mailed an “Initial Notice of Claim for Damages Against the State of New Jersey,” with a copy of the previously-filed Complaint, to the Court for filing. (ECF No. 161.) Plaintiff did not file any other documents. Several Defendants requested that Plaintiff’s Complaint be dismissed with prejudice in accordance with the Court’s July 18, 2017 Order because Plaintiff’s submission did not constitute an Amended Complaint. (See ECF Nos. 156, 157, 158, 159, 160, 162, 163.)

On September 12, 2017, the Court entered another Order indicating that if Plaintiff’s submission was intended as an Amended Complaint, it was insufficient and did not comply with the Court’s July 18, 2017 Order. (Sept. 12, 2017 Memorandum Order, ECF No. 168.) The Court provided Plaintiff with a final opportunity to file an appropriate Amended Complaint by September 29, 2017. (*Id.*) The Order provided that “[i]f Plaintiff does not file an appropriate Amended Complaint by September 29, 2017, the Court will dismiss Plaintiff’s Complaint with prejudice.” (*Id.* at 2.) This deadline has expired and Plaintiff has not filed an amended complaint or requested an extension to file an amended complaint. A court, in its discretion, may dismiss a complaint with prejudice after a party fails to amend its complaint following a dismissal without prejudice with leave to amend. See *Pruden v. SCI Camp Hill*, 252 F. App’x 436, 438 (3d Cir. 2007). Accordingly,

IT IS on this 11th day of October 2017, **ORDERED** that:

1. Plaintiff’s Complaint is dismissed with prejudice.
2. The Clerk of Court shall mark this matter closed.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE