

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

JEREMY D. SOUTH,	:	
	:	
Plaintiff,	:	Civ. No. 17-13387 (FLW) (LHG)
	:	
v.	:	
	:	
NEW JERSEY DEPARTMENT OF CORRECTIONS et al.,	:	MEMORANDUM AND ORDER
	:	
Defendants.	:	
	:	

Plaintiff *pro se*, Jeremy D. South (“Plaintiff), a state prisoner presently incarcerated at South Woods State Prison, in Bridgeton, New Jersey, filed a Complaint alleging claims under 42 U.S.C. § 1983 and the New Jersey Civil Rights Act. (ECF No. 1.) The Court initially terminated the action, as the Complaint was accompanied by a defective application to proceed *in forma pauperis*. (ECF No. 3.) Plaintiff subsequently filed a proper *in forma pauperis* application. (ECF No. 5.) On October 31, 2018, the Court screened the Complaint under 28 U.S.C. §§ 1915(e) and 1915A, and dismissed it without prejudice for failure to state a claim upon which relief could be granted.¹ (ECF Nos. 6 & 7.) In doing so, the Court allowed that “Plaintiff may submit a proposed amended complaint within thirty (30) days from the date this Order is entered which addresses the deficiencies of the complaint only with respect to those claims dismissed without prejudice” (ECF No. 7.)

On February 4, 2019, after three months of the dismissal, the Court received a letter from Plaintiff inquiring as to the status of his action. (ECF No. 8.) Plaintiff indicated that he mailed

¹ The Court additionally dismissed claims against the defendants in their official capacities *with* prejudice. (See ECF Nos. 6 & 7.)

the Court an amended complaint on November 20, 2018. (*Id.*) The Court has no record of receiving any submissions from Plaintiff after the Complaint was dismissed until the receipt of this letter. If Plaintiff wishes to proceed with his amended complaint, he must re-submit that pleading to the Court, accompanied by proof that he in fact originally mailed the amended complaint within the 30-day period permitted by the Order dated October 31, 2018.

Therefore, IT IS, on this 7th day of February 2019,

ORDERED that Plaintiff may resubmit, by no later than February 28, 2019, any amended pleading he previously attempted file with the Court, **but he must also include with it proof of his attempt to timely submit his amended pleading in accordance with the Court's October 31, 2018 Order**; and it is further

ORDERED that the Clerk of the Court shall send a copy of this Memorandum and Order to Plaintiff by regular U.S. mail.

/s/ Freda L. Wolfson
FREDA L. WOLFSON
United States District Judge