

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JENNIFER WHITNEY HUDSON,

Plaintiff,

v.

No. 1:19-cv-00947-WJ-JHR

LOOMIS ARMORED TRANSPORT USA,
ADAM TAPPER, ALFREDO ZARAGOZA,
ANTHONY SCHLUTER, JUAN MARTINEZ,
ROGELIO RODRIGUEZ, KATHY PERRY, and
JOEL NORTINGTON,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER comes before the Court on Plaintiff's un-timely Amended Complaint. *See* Doc. 6, filed November 18, 2019.

Plaintiff's original Complaint alleged that: (i) she is a disabled, transgender female; (ii) the corporate defendant did not properly investigate Plaintiff's harassment claim; and (iii) Plaintiff's co-workers harassed Plaintiff because she is transgender and disabled, and because she complained of sexual harassment. Complaint at 1-2, Doc. 1, filed October 9, 2019.

The Court notified Plaintiff that the Complaint could be dismissed under § 1915(e)(2)(B)(ii) for failure to state a claim because the Complaint fails to state with particularity what each Defendant did to Plaintiff. *See* Doc. 5, filed October 11, 2019. The Court granted Plaintiff leave to file an amended complaint and notified Plaintiff that failure to timely file an amended complaint may result in dismissal of this case. Plaintiff filed an amended complaint on November 18, 2019, well after the November 1, 2019, deadline.

The Amended Complaint adds two additional Defendants, Kathy Perry and Joel Northington, but is otherwise essentially identical to the original Complaint. Because the

Amended Complaint fails to state with particularity what each Defendant did to Plaintiff, the Court dismisses this case for failure to state a claim upon which relief can be granted. *See Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe County Justice Center*, 492 F.3d 1158, 1163 (10th Cir. 2007) (“[T]o state a claim in federal court, a complaint must explain what each defendant did to him or her; when the defendant did it; how the defendant’s action harmed him or her; and, what specific legal right the plaintiff believes the defendant violated.”)

IT IS ORDERED that this case is **DISMISSED with prejudice**.



CHIEF UNITED STATES DISTRICT JUDGE