

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:16cv41-FDW**

**TRACEY TERRELL GRADY,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **SUSAN WHITE, et al.,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court upon remand by the Fourth Circuit Court of Appeals of Plaintiff Tracey Terrell Grady’s pro se Complaint (Doc. No. 1), filed pursuant to 42 U.S.C. § 1983. Also before the Court is Plaintiff’s Motion for Reconsideration. (Doc. No. 52.)

On December 5, 2016, this Court dismissed Plaintiff’s pro se § 1983 Complaint without prejudice for failure to state a claim upon which relief may be granted. (Doc. No. 43.) Plaintiff filed a notice of appeal (Doc. No. 47) and a Motion for Reconsideration (Doc. No. 54).

On April 24, 2017, the Fourth Circuit entered an order dismissing Plaintiff’s appeal and remanding the Complaint to this Court with instructions to allow Plaintiff to file an amended complaint. (Doc. No. 55.) The Fourth Circuit’s Mandate was issued on May 16, 2017. (Doc. No. 56.)


Accordingly, the Court hereby notifies Plaintiff that he may file an amended complaint to remedy the deficiencies identified by this Court in its December 2016 Order dismissing Plaintiff’s Complaint. (Doc. No. 43.) In order to remedy those deficiencies, Plaintiff must state sufficient facts to support the claims raised in his original Complaint (Doc. No. 1). Plaintiff is forewarned, however, that he may not amend his Complaint by raising new, unrelated claims.

Furthermore, Plaintiff's failure to file an amended complaint within the time allotted by the Court shall result in dismissal of his Complaint.

**IT IS, THEREFORE, ORDERED** that Plaintiff has 21 days from entrance of this Order to file an amended complaint in the above-captioned action. Failure to file an amended complaint shall result in dismissal of Plaintiff's Complaint (Doc. No. 1).

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Reconsideration (Doc. No. 52) is **DISMISSED** as moot.

Signed: June 5, 2017

  
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Frank D. Whitney  
Chief United States District Judge

