

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM E. JOHNSON,	:	
	:	
Plaintiff,	:	Case No. 2:11-CV-0020
	:	
v.	:	JUDGE ALGENON L. MARBLEY
	:	
THE SCOTTS COMPANY	:	Magistrate Judge Deavers
	:	
Defendant.	:	

ORDER OF DISMISSAL

This Court, in its Order of December 21, 2011, granted Defendant’s Motion to Dismiss Plaintiff’s Complaint pursuant to Fed. R. Civ. P 12(b)(6), because the Complaint failed to allege facts sufficient to support a plausible claim of racial discrimination. (Dkt. 20.) In that same Order, pursuant to its discretion under Fed. R. Civ. P. 15(a)(2) to “freely give leave” for a party to amend pleadings “when justice so requires,” the Court granted Plaintiff leave to remedy the deficiencies in his Complaint, “if they can be so remedied.” *Id.*

Plaintiff has neglected to attempt to amend his Complaint in the interim months. Having had ample opportunity to amend his Complaint, but nevertheless having failed to do, the Court hereby **DISMISSES** Plaintiff’s Complaint with prejudice, for the reasons stated in its prior Order. The case is dismissed.

IT IS SO ORDERED.

s/Algenon L. Marbley
Algenon L. Marbley

DATED: June 29, 2012