

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAIJON MCCALL,)	
)	
Plaintiff,)	Civil Action No. 20-264
)	
v.)	Judge Cathy Bissoon
)	
BELLEVUE MCDONALDS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Defendants’ renewed Motion to Dismiss (Doc. 16) will be granted, and this case dismissed with prejudice.

The Court’s prior Order of dismissal (Doc. 13) explained how and why Plaintiff’s original pleadings failed the standards under Federal Rule 8; and it provided a blue print regarding how he might make “short and plain statement[s]” showing entitlement to relief. *Id.* Plaintiff’s Amended Complaint (Doc. 15), while shorter, shows no improvement.

Defendants are correct that the amended pleadings provide mere legal conclusions, untethered to factual allegations supporting viable claim(s) for relief. Plaintiff’s Rule 8 deficiencies dovetail with his failure to meet the plausibility standards. At bottom, Plaintiff continues to merely laundry-list perceived slights (including ones not-actionable under any valid theory of employment discrimination), devoid of facts and circumstances plausibly entitling him to relief.

The Court already afforded an opportunity for amendment, specifically advising Plaintiff that he must make best efforts – and that the Court did not anticipate granting further opportunity for amendment. *See* Doc. 13 at 4. Plaintiff, too, seems to understand that this is the “end of the

line,” having declined a response to Defendants’ renewed Motion to Dismiss. *See* text-Order dated Jan. 7, 2021 (corresponding to Doc. 18) (providing Plaintiff until January 29, 2021 to respond; a date that has come and gone with no filing). Finally, comparing Plaintiff’s amendments to his original pleadings, there is no reason to believe that additional amendment will improve his outcome. Accordingly, dismissal with prejudice is warranted.

For all of the reasons stated above, Defendants’ renewed Motion to Dismiss (**Doc. 16**) is **GRANTED**, and this case is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

February 16, 2021

s\Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via First-Class U.S. Mail):

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