

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

TIAJUANA FINLEY,

Plaintiff,

vs.

No. 13-2765-JDT-dkv

SHELBY COUNTY SCHOOLS,
MR. JENKINS, MR. GRANT,
and COREY DICKERSON

Defendants.

REPORT AND RECOMMENDATION FOR *SUA SPONTE* DISMISSAL

On October 1, 2013, the plaintiff, Tiajuana Finley, a resident of Memphis, Tennessee, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983, accompanied by a motion seeking leave to proceed *in forma pauperis*. (D.E. 1 & 2.) On October 2, 2013, the court issued an order granting Finley's motion for leave to proceed *in forma pauperis*. (D.E. 4.) On October 7, 2013, the undersigned magistrate judge issued a report and recommendation that Finley's complaint be dismissed for failure to state a claim. Finley timely filed objections to the report and recommendation. By order dated November 13, 2013, U.S. District Judge James D. Todd sustained Finley's objections and allowed Finley thirty (30) days in which to file an amended complaint under the Individuals with Disabilities

Education Act ("IDEA"), 20 U.S.C. § 1400 *et seq.*, alleging a violation of of the IDEA and alleging that she has either exhausted her administrative remedies or that exhaustion is futile. (Order, D.E. 8.) The order referred any amended complaint back to the U.S. Magistrate Judge for screening.

Finley has failed to file an amended complaint as ordered, and the time for doing so has expired. Accordingly, it is recommended that this case be dismissed *sua sponte* against the defendants for failure to state a claim on which relief may be granted pursuant to Rule 12(b)(6) and 28 U.S.C. § 1915(e)(2)(ii).

Respectfully submitted this 2nd day of January, 2014.

s/Diane K. Vescovo
DIANE K. VESCOVO
U.S. MAGISTRATE JUDGE

NOTICE

Within fourteen (14) days after being served with a copy of this report and recommended disposition, a party may serve and file written objections to the proposed findings and recommendations. A party may respond to another party's objections within fourteen (14) days after being served with a copy. FED. R. CIV. P. 72(b)(2). Failure to file objections within fourteen (14) days may constitute a waiver of objections, exceptions, and further appeal.