

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LYDIA M. GAINES,

Plaintiff,

v.

THE CITY OF DALLAS,

Defendant.

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Civil Action No. **3:17-CV-1867-L-BH**

ORDER

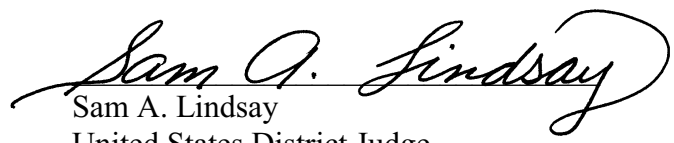
On April 13, 2018, United States Magistrate Judge Carrillo Ramirez entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”), recommending that the court grant Defendant City of Dallas’s Motion to Dismiss (Doc. 14), filed September 28, 2017, and dismiss with prejudice Plaintiff’s federal employment law claims and claim for defamation under Texas law unless she files an amended complaint within the time for filing objections to the Report or another deadline set by the court. If Plaintiff files an amended complaint timely, the magistrate judge recommends that the motion to dismiss be denied as moot. On, April 27, 2018, the deadline for filing objections to the Report, Plaintiff, who is proceeding pro se, filed a Motion for Extension of Time to File Amended Complaint (Doc. 21), requesting two additional weeks to amend her pleadings because she did not receive a copy of the Report until April 24, 2018. On the same date, Plaintiff filed a Motion for Scheduling Order (Doc. 22). Defendant filed responses in opposition to both motions. Neither party filed objections to the Report.

After carefully reviewing the pleadings, motions, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts**

them as those of the court. In light of Plaintiff's motions, however, the court **denies without prejudice** Defendant City of Dallas's Motion to Dismiss (Doc. 14); **grants** Plaintiff's Motion for Extension of Time to File Amended Complaint (Doc. 21); and **directs** Plaintiff to file an amended complaint that cures the deficiencies noted by the magistrate judge by **May 31, 2018**. *No further extensions of this deadline will be granted. Failure to file an amended complaint by this date will result in dismissal without prejudice of this action by Plaintiff for failure to comply with a court order or prosecute under Federal Rule of Civil Procedure 41(b).*

The court **denies without prejudice** Plaintiff's Motion for Scheduling Order, as the court generally does not enter a scheduling order until the pleadings have closed. Although Defendant opposes the relief requested in Plaintiff's motions, the court determines that proceeding in this manner will not cause Defendant to suffer any legal prejudice or unduly delay the proceedings in this case, which has been pending less than one year during which time Plaintiff has not sought to amend her pleadings.

It is so ordered this 22nd day of May, 2018.


Sam A. Lindsay
United States District Judge