

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Jesse-Lynn V. Gentlewolf, :
Plaintiff, :

v. :

File No. 1:08-CV-261

Windham County Humane :
Society, Inc., Suzanne :
Caviola, Pamela Sorton, :
Vermont-New Hampshire :
Veterinary Clinic, Jerilyn :
Jacobs, Crager Boardman, :
Judith Ann Jarvis, :
Christopher Cataldo, :
Officer Jason O'Brien, Lt. :
Sherwood Lake, Officer :
Robert Larkin, Sheila :
Prue, Dan Davis, Nathaniel :
Seeley, Tracy Shriver, :
Mimi Brill, Katherine :
Hayes, Paul Berch, Tracie :
Tyba, Executive Director :
of Windham County Humane :
Society, Nancy Sage, :
Carrie Roberts, Kim Ward, :
Windham County Humane :
Society Officers, Board :
of Directors, and :
Executive Directors, :
Brattleboro Veterinary :
Clinic, Ronald S. Svec, :
Defendants. :

OPINION AND ORDER
(Papers 55, 56, 57, 58 and 59)

On November 23, 2009, the Court issued an order requiring plaintiff Jesse-Lynn Gentlewolf to file an amended complaint on or before December 28, 2009. The basis of the Court's order was its finding that the complaint failed put the defendants on adequate notice of the claims being brought against them, and

thus failed to satisfy the requirements of Federal Rule of Civil Procedure 8. The Court also warned Gentlewolf that the “[f]ailure to file a properly drafted amended complaint by December 28, 2009 will result in the dismissal of this case with prejudice.” (Paper 53 at 22).

The deadline for filing an amended complaint has now passed. Defendant Sheila Prue has filed a motion to dismiss or, in the alternative, for a more definite statement (Paper 55), and various other defendants have renewed their motions to dismiss for failure to state a claim. (Papers 56, 57, 58 and 59). The Court has not received any filings from plaintiff Gentlewolf in over eight months. (Paper 39).

A court has the power to dismiss “a prolix complaint without leave to amend in extraordinary cases, such as where leave to amend has previously been given and the successive pleadings remain prolix and unintelligible.” Salahuddin v. Cuomo, 861 F.2d 40, 42 (2d Cir. 1988). As this Court noted in its prior order, Gentlewolf’s “33-page complaint is disjointed and difficult to comprehend.” (Paper 53 at 2). The Court has given her an opportunity to amend her pleading, and absent any amendment is left with a filing that is barely comprehensible.

Gentlewolf was clearly warned that her failure to file an amended complaint would result in the dismissal of her case with prejudice. She has failed to heed the Court’s warning, and has

declined to move for extra time or give the Court some other indication of her intent to proceed with a viable claim. Accordingly, and pursuant to the Court's previous ruling, the case is DISMISSED.

Defendant Sheila Prue's motion to dismiss or, in the alternative, for a more definite statement (Paper 55) is DENIED as moot. The pending renewed motions to dismiss (Papers 56, 57, 58 and 59) are GRANTED. Because the plaintiff has failed to abide by the Court's previous order, this case is DISMISSED as to all parties and claims with prejudice.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 14th day of January, 2010.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
Senior United States District Judge