

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

MICHAEL URBINO, on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

AMBIT ENERGY, L.P., et al.,

Defendants.


Civil Action No. 14-5184 (MAS) (DEA)

**ORDER**

On July 24, 2015, this Court dismissed Counts One and Seven of Plaintiff's Complaint with prejudice, and dismissed Count Six without prejudice, providing Plaintiff leave to amend his complaint by August 21, 2015. (ECF No. 64.) All other counts of Plaintiff's Complaint had previously been dismissed voluntarily. (ECF No. 48.) Plaintiff sought leave for an extension to file his amended complaint until September 18, 2015, which was granted. (ECF No. 66.) Plaintiff has failed to amend his complaint. A court, in its discretion, may dismiss a complaint with prejudice after a party fails to amend its complaint following a dismissal without prejudice with leave to amend. *See Pruden v. SCI Camp Hill*, 252 F. App'x 436, 438 (3d Cir. 2007). Accordingly,

**IT IS** on this 24<sup>th</sup> day of September 2015, **ORDERED** that:

1. Count Six of Plaintiff's Complaint is dismissed with prejudice; and
2. The Clerk of Court shall mark this matter closed.

  
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**MICHAEL A. SHIPP**  
UNITED STATES DISTRICT JUDGE