

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

MELINDA ROBINSON, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:07-cv-125-WHB-LRA

WAL-MART STORES, INC.

DEFENDANTS

OPINION AND ORDER

This cause is before the Court *sua sponte*.

On September 12, 2008, the Court entered an Opinion and Order dismissing Plaintiffs' class action claim, and finding that it could no longer exercise federal subject matter jurisdiction under 28 U.S.C. § 1332(d) after that dismissal. See Opinion and Order [Docket No. 17]. By that same Opinion and Order, Plaintiffs were granted leave to amend their complaint to assert an alternate basis for exercising federal subject matter jurisdiction over the case. Plaintiffs were specifically warned that in the event they did not amend their complaint on or before October 3, 2008, the Court would enter a Final Judgment dismissing the case, without prejudice, for lack of subject matter jurisdiction, and without further notice to the parties. A review of the docket shows that Plaintiffs have not amended their complaint as required by the prior Opinion and Order of the Court.

For these reasons, and for the reasons set forth in the September 12, 2008, Opinion and Order of the Court:

IT IS HEREBY ORDERED that this case is dismissed for lack of federal subject matter jurisdiction. A Final Judgment dismissing this case, without prejudice, shall be entered this day.

SO ORDERED this the 6<sup>th</sup> day of November, 2008.

s/William H. Barbour, Jr.  
UNITED STATES DISTRICT JUDGE