

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

PERCY P. BUCKLEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 11-cv-1033
)	
CARPET WEAVERS COMMERCIAL,)	
INC. and WAYNE HENDRICKS,)	
)	
Defendants.)	

O P I N I O N and O R D E R

Before the Court is the Complaint (Doc. 1) and the Motion to Proceed in forma pauperis (Doc. 2) filed by Plaintiff, Percy P. Buckley. The Complaint is DISMISSED WITHOUT PREJUDICE for the failure to prosecute.

On January 28, 2011, Plaintiff filed a Complaint pursuant to Title VII, 42 U.S.C. § 2000e-5, in which he alleges that his employer, Carpet Weavers Commercial failed to follow a “seniority” system when it assigned jobs and hours. Plaintiff also appears to allege that he was defamed by false statements. Plaintiff attached a Right to Sue letter issued by the Equal Employment Opportunity Commission and dated October 29, 2010. Plaintiff also filed a Motion to Proceed in forma pauperis in which he indicated that he has no current income, limited assets, debts, and three dependents.

On that same date, January 28, 2011, this Court directed Plaintiff to submit a more detailed affidavit (which was attached to the Order) and instructed Plaintiff to indicate on what basis he believes he was discriminated against (i.e. race, age,

gender, disability, or some other reason). Plaintiff was directed to file his amended complaint and the affidavit in support on his Motion by February 14, 2011. Plaintiff was warned that the failure to comply with the Order would result in dismissal of his complaint.

As of the date of this Order, Plaintiff has neither filed an amended complaint nor has he submitted the affidavit as required by the Court. Therefore, pursuant to Federal Rule of Civil Procedure 41(b), this matter is DISMISSED WITHOUT PREJUDICE for the failure to prosecute.

Entered this 18th day of February, 2010

s/ Joe B. McDade
JOE BILLY MCDADE
United States Senior District Judge