

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

JOSEPH W. ALLEN

PLAINTIFF

v.

LEAD CIVIL ACTION NO. 3:07CV-P261-H

NASIRUDDIN SIDDIQUI *et al.*

DEFENDANTS

MEMORANDUM OPINION AND ORDER

By Order entered March 18, 2010, this Court granted Defendants Edwin O. Walker, M.D., Prison Health Services, Inc., Patricia Keeling, Alicia Kelly (now Alicia Fox), Lawrence Mudd, M.D., and Renate Stingl, M.D., summary judgment.¹ Thereafter, upon review of the docket, the Court determined one remaining defendant, Candace Walker, that had yet to be served.

In his amended complaint, Plaintiff alleged that Defendant Candace Walker was responsible for executing Plaintiff's discharge from the Kentucky Correctional Psychiatric Center in 2005. It did not appear that Defendant Candace Walker treated Plaintiff subsequent to his discharge. As such, it appeared undisputed that Defendant Candace Walker would be entitled to summary judgment based on Plaintiff's failure to comply with the applicable statute of limitations, the same reason that the Court determined that Defendant Drs. Edwin Walker, Siddiqui and Deland, the other doctors that treated Plaintiff while he was at the Kentucky Correctional Psychiatric Center, were entitled to summary judgment. Given the fact that it appeared impossible for Plaintiff to prevail on his claims against Defendant Candace Walker, the Court provided Plaintiff with an opportunity to show cause why the Court should not dismiss his claims against Defendant Candace Walker. Plaintiff was warned that his failure to respond

¹The Court had previously granted Defendants Siddiqui and Deland summary judgment upon finding that Plaintiff's claims against them were time-barred.

within 21 days would result in the dismissal of his claim against Defendant Candace Walker.

Plaintiff did not respond.

Having provided Plaintiff with notice and an opportunity to show cause as required by *Tingler v. Marshall*, 716 F.2d 1109, 1111-12 (6th Cir. 1983), and Plaintiff having failed to respond, **IT IS HEREBY ORDERED** that Plaintiff's remaining claim against Defendant Candace Walker is **DISMISSED**.

There being no just reason for delay in its entry, this is a **final Order**.

The Court further **certifies** that an appeal of this action would not be taken in good faith.

See 28 U.S.C. § 1915(a)(3).

Date:

cc: Plaintiff, *pro se*
Defendant Candace Walker
Counsel of Record
4412.008