

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

JEREMY COLLEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-cv-1052
)	
PEORIA COUNTY JAIL,)	
)	
Defendant.)	

OPINION & ORDER

On March 1, 2010, Plaintiff submitted his Complaint and a Motion to Proceed in forma pauperis. (Docs. 1 & 2). On March 2, 2010, after reviewing Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), the Court found that the Complaint was insufficient to state a claim upon which relief could be granted, and gave Plaintiff 21 days in which to submit an Amended Complaint. (Doc. 3). On April 6, 2010, the Court, having reviewed Plaintiff's Amended Complaint, determined that Plaintiff had again failed to allege sufficient facts to state a claim to relief, and permitted Plaintiff one more chance to submit a Second Amended Complaint giving some factual content to his allegations.¹ (Doc. 5). Plaintiff's Second Amended Complaint was due on April 28, 2010. On April 30, 2010, the Court noted that Plaintiff had failed to submit a Second Amended Complaint, and

¹ In his original Complaint, Plaintiff's statement of his claim was "being on the floor for 30 days in the County Jail on Sept. 30-Oct. 30 on the floor." (Doc. 1 at 1, 5). Thus, it appeared that Plaintiff is challenging, under the Eighth or Fourteenth Amendments, the conditions of his confinement at the Peoria County Jail between September 30 and October 30, 2009. In his Amended Complaint, Plaintiff only added that he "suffered side injury" and "would like restitution." (Doc. 4 at 5).

warned that failure to do so by May 7, 2010, the matter would be dismissed for failure to prosecute. (4/30/10 Text Order). Plaintiff has not submitted his Second Amended Complaint as of today's date.

IT IS THEREFORE ORDERED that this matter is DISMISSED WITH PREJUDICE for failure to prosecute.

CASE TERMINATED.

Entered this 13th day of April, 2010.

s/ Joe B. McDade

JOE BILLY McDADE
United States District Judge