

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS

RAUL GARCIA,  
Plaintiff,

vs.

11-1151

DR. CARLA GREBY, et. al.,  
Defendants.

DISMISSAL ORDER

On April 13, 2011, the pro se Plaintiff filed his complaint pursuant to 42 U.S.C. §1983 claiming that his constitutional rights were violated at the Illinois River Correctional Center. On April 29, 2011, the Plaintiff informed the court of a change in his address. [d/e 4] On May 16, 2011, the Plaintiff sent a second notice of address change stating that he anticipated that he would be transferred again. The Plaintiff provided the court with a residential address in Palatine, Illinois and asked that any future correspondence be sent to this location. [d/e 6]

On May 17, 2011, the court conducted a merit review and found that the Plaintiff had stated one claim that the Defendants were deliberately indifferent to the Plaintiff's serious medical condition. May 17, 2011 Text Order. On May 25, 2011, the court entered a scheduling order and advised the Plaintiff that he must immediately notify the court of any change in his mailing address. The Plaintiff was also admonished that "[f]ailure to notify the court of any change in the mailing address will result in the dismissal of this lawsuit." May 25, 2011 Scheduling Order, p. 2.

On May 31, 2011, mail sent from the Clerk of the Court to the Plaintiff was returned as "undeliverable." [d/e 13] On June 9, 2011, the court entered an order stating that it was unclear where the Plaintiff was currently incarcerated and the Plaintiff must provide his current address to the court. The Plaintiff was informed that he must provide his current address in writing within 14 days or his case would be dismissed. The court also directed the Clerk of the Court to send the text order to both the last known correctional facility and the Palatine, Illinois address provided by the Plaintiff.

Both the mail sent to the correctional facility and the residential address was returned to the court as "undeliverable." [d/e 15, 16]. It has been approximately one and half months since the Plaintiff has had any contact with the court. Unfortunately, the Plaintiff has not provided the court with name of his current correctional facility or the correct address. The court was forced to cancel the July 5, 2011 hearing pursuant to Rule 16 since the court does not have any way to contact the Plaintiff for the hearing. The Plaintiff has failed to follow the court's orders and it appears he has lost interest in pursuing this litigation.

**IT IS THEREFORE ORDERED that:**

- 1) The Clerk is directed to dismiss this case in its entirety without prejudice for failure to prosecute with due diligence and failure to follow a court order. See Fed. R.Civ. P. 41(b).**
- 2) Even though the Plaintiff's case has been dismissed, he is still responsible for payment of the \$350 filing fee.**

Entered this 30<sup>th</sup> day of June, 2011.

**s/Michael M. Mihm**

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MICHAEL M. MIHM  
UNITED STATES DISTRICT JUDGE