

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS

CHARLES EVANS,	)
	)
Plaintiff,	)
	)
v.	)
	)
LYNN HILLGENDORF,	)
BARBARAA KING, STEPHEN	)
DAMEWOOD, CLIFFORD	)
SANGSTER, KYLE SPENCER,	)
OFFICER SMITH, and	)
PATRICK LEE,	)
	)
Defendants.	)

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**OPINION**

**SARA DARROW, U.S. District Judge.**

On December 5, 2016, the Court denied summary judgment on Plaintiff’s excessive force claim against Defendant Sangster and on Plaintiff’s procedural due process claim again Defendants Hillgendorf, Damewood, and King. The Court reserved ruling on Defendants’ motion for summary judgment regarding Plaintiff’s excessive force and failure to intervene claims against Defendants Spencer, Smith, and Lee. The Court concluded that a review of the record showed that Plaintiff did not appear to have a viable excessive force or failure to intervene claim against these Defendants, but

Plaintiff, who is no longer in prison, was given until January 4, 2017, to supplement his response. The Court assumes familiarity with that order.

Plaintiff has not filed a supplemental response to the motion for summary judgment against Defendants Spencer, Smith, and Lee. For the reasons stated in the Court's December 5<sup>th</sup> order, summary judgment will be granted to these Defendants. In short, "Plaintiff's own deposition testimony indicates that even Plaintiff believes that these officers were acting in good faith, which would preclude an excessive force and failure to intervene claim against them."

(12/5/16 Order, p. 8.)

**IT IS ORDERED:**

1. The motion for summary judgment by Defendants Spencer, Smith, and Lee is granted (24).
2. Given Plaintiff's lack of response to the Court's 12/5/16 order, the Court is unsure whether Plaintiff still intends to pursue this lawsuit. By January 31, 2017, Plaintiff is directed to notify the Court, in writing, whether he wishes to continue with this lawsuit. If Plaintiff does not respond, then this case will be dismissed, with prejudice.

3. Also by January 31, 2017, the parties are directed to notify the Court, in writing, whether they desire to engage in a settlement conference before the trial is scheduled on Plaintiff's remaining claims.

4. **The clerk is directed to terminate Defendants Spencer, Smith, and Lee.**

ENTER: 1/19/2017

FOR THE COURT:

**s/Sara Darrow**  
SARA DARROW  
UNITED STATES DISTRICT JUDGE