

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

RICHARD SMEGO, et al.,)	
)	
Plaintiff,)	
)	
v.)	09-CV-3244
)	
ANITA PAYNE et al.,)	
)	
Defendants.)	

OPINION

SUE E. MYERSCOUGH, U.S. District Judge:

Plaintiffs are confined in the Rushville Treatment and Detention Center pursuant to the Illinois Sexually Violent Persons Act. On June 9, 2011, Judge Harold Baker granted summary judgment to Defendants on Plaintiffs' First Amendment claim about a ban on certain movies and video games. Thereafter the case was transferred to this Court.

Plaintiffs' retaliation claim is the only claim remaining. Plaintiffs assert that the media policy was made even more restrictive after they filed this lawsuit.

On December 5, 2011, Defendants filed a motion for summary judgment on the remaining retaliation claim. Plaintiffs have not responded, even though warned that failure to respond would result in Defendants' statement of facts being

accepted as true, to the extent supported by cites to the record. (d/e 153).

Defendants' motion demonstrates that no plausible inference arises that they engaged in any kind of retaliation because of this lawsuit. Accordingly, summary judgment is mandated for Defendants.

IT IS THEREFORE ORDERED:

1) Defendants' motion for summary judgment is granted (d/e 144). The clerk of the court is directed to enter judgment in favor of Defendants and against Plaintiffs. All pending motions are denied as moot, and this case is terminated, with the parties to bear their own costs. All deadlines and settings on the Court's calendar are vacated.

2) If Plaintiffs wish to appeal this judgment, they must file a notice of appeal with this Court within 30 days of the entry of judgment. Fed. R. App. P. 4(a)(4). A motion for leave to appeal in forma pauperis should identify the issues Plaintiff will present on appeal. See Fed. R. App. P. 24(a)(1)(c).

ENTERED: February 7, 2012

FOR THE COURT:

s/Sue E. Myerscough
SUE E. MYERSCOUGH
UNITED STATES DISTRICT JUDGE

