

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

MICHAEL HENRY,)
)
 Plaintiff,)
)
 v.)
)
 UNITED STATES OF AMERICA;)
 VILLAGE OF ORLAND PARK; KLEIN,)
 THORPE and JENKINS, et al.,)
)
 Defendants.)

Case No. 21-3244

OPINION

RICHARD MILLS, United States District Judge:

In an Opinion and Order [d/e 52] entered on January 31, 2021, the Court granted the motion to dismiss of Defendant Kwame Raoul, Illinois Attorney General, and dismissed the claims asserted against the Illinois Attorney General and Northern District of Illinois U.S. Attorney John R. Lausch. The same day, the Court entered an Opinion and Order [d/e 53] granting the motion to dismiss of Defendants Village of Orland Park, Klein Thorpe and Jenkins, Keith Pekau, Howard Jablecki, Dennis Walsh, George Koczwarra and Cindy Nelson Katsenes. The two Orders disposed of all the claims and Judgment [d/e 54] was entered on February 1, 2022.

On February 2, 2022, *Pro Se* Plaintiff Michael Henry filed a Notice of Appeal [d/e 60]. Henry also filed a number of motions, including a Motion for

Reconsideration of Dismissal [d/e 62], on the basis that the Court ignored the filing of an amended complaint on January 29, 2022 that Henry claims addresses any deficiencies in his prior complaint. Moreover, Henry moves to reconsider [d/e 63] the Order dismissing claims against the U.S. Attorney and Illinois Attorney General because he says those individuals must investigate fraud before deciding not to prosecute.

The Court has no basis to reconsider its prior Orders dismissing Henry's claims. The Orders granting the Motions to Dismiss were entered prior to Henry's Motion for Leave to file a Second Amended Complaint. Moreover, to the extent that Henry claims the Attorney General or U.S. Attorney failed to investigate and prosecute a crime, those individuals are entitled to exercise prosecutorial discretion. Accordingly, Henry provides no basis for this Court to reconsider its earlier Orders of dismissal.

The Court further notes that "a motion to reconsider nullifies all earlier notices of appeal and requires a fresh notice after the denial." *Wielgos v. Commonwealth Edison Co.*, 892 F.2d 509, 511 (7th Cir. 1989) (citing Fed. R. App. P. 4(a)(4)).

Ergo, the Motion of Plaintiff Michael Henry for Reconsideration of the Order of Dismissal [d/e 62] is DENIED.

The Motion of Plaintiff Michael Henry for Reconsideration of the Order dismissing claims against the U.S. Attorney and Illinois Attorney General [d/e 63] is DENIED.

Because this case is closed, the Clerk will terminate the following pending motions [d/e 55, 56, 58, 59, 61, 67].

ENTER: February 22, 2022

FOR THE COURT:

/s/ Richard Mills _____
Richard Mills
United States District Judge