

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL STEVEN BANKS #A81938,)	
)	
Plaintiff,)	
)	
v.)	No. 09 C 5792
)	
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This Court's September 21, 2009 memorandum opinion and order ("Opinion") dismissed the self-prepared Complaint and this action that had been brought by Michael Banks ("Banks"). As the Opinion reflected, Banks had earlier accumulated three "strikes" in the terms defined by 28 U.S.C. §1915(g) ("Section 1915(g)"), so that he had to pay the full \$350 filing fee before he could go ahead with any such lawsuit in any event. But having said that, the Opinion went on to explain why it would be a waste of money for Banks to pursue his asserted claims as a substantive matter.

Now Banks has submitted a handwritten "Motion To Consider The 'Cause And Prejudice' Test"--essentially a motion for reconsideration of the Opinion. But that new effort fails in more than one respect as well.

To begin with (although this is really a mere aside en route to the ultimate conclusion), Banks mistakenly cites to a host of Illinois state court cases in addressing the requirements that his Complaint--or any complaint filed in this District

Court--must meet. That is a fundamental error, for the principles of federal pleading (and in this instance the substantive principles involved as well) are a matter of federal law rather than state law. And Banks flunks those substantive principles for the reasons stated in the Opinion.

Nothing that Banks has advanced in his new filing alters what was said in the Opinion as a matter of substance--and even if that were not so Banks' failure to pay the \$350 filing fee as mandated by Section 1915(g) dooms his lawsuit in any case. Banks' motion for reconsideration is denied.



Milton I. Shadur
Senior United States District Judge

Date: October 14, 2009