

Order Form (01/2005)

MAN

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Robert Dow, Jr	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	09 C 6413	DATE	12/8/2010
CASE TITLE	Shelton vs. Cook County, et al.		

DOCKET ENTRY TEXT

On its own motion, the Court sets the following revised, final briefing schedule on Defendants' pending motions to dismiss [7, 9]: Plaintiff's responses are due on 1/10/2011; Defendants' replies are due on 1/24/2011. The Court will issue a written ruling by mail on both motions. Please see below for further details.

■ [For further details see text below.]

Docketing to mail notices. Notices mailed by Judicial staff.

STATEMENT

About a year ago, Defendant Cook County filed a three-page motion to dismiss [7] Count VI of Plaintiff's complaint on the ground that the County is not a proper party defendant in this action. Two days later, the individual Defendants in this lawsuit filed a five-page motion to dismiss [9] three other counts of Plaintiff's complaint on the ground that the claims asserted in those counts are time-barred. Plaintiff twice requested and was given extensions of time to respond to the motions. [See 14, 17.] At the time of the second motion for extension of time, Plaintiff represented that she was facing major surgery and would need time to recuperate before she could prepare responses. Although Plaintiff did not file responses by the due date, in view of Plaintiff's prior representations concerning her medical issues, the Court extended the briefing schedule a third time on its own motion. [See 21.] Under the most recent briefing schedule, Plaintiff's responses were due on August 9, 2010. No responses were filed on that date or at any time since.

On December 2, 2010, *pro se* Plaintiff filed a change of address notification [25] on the docket. The change of address form indicates that Plaintiff is no longer incarcerated, as she previously had indicated in an uncaptioned letter that she previously sent to the Court.¹

Given the fact that Plaintiff is no longer incarcerated and presumably has had ample time to recover from any surgery that she may have had in the spring, the Court will enter a revised briefing schedule on Defendants' reinstated motions to dismiss. Plaintiff's response will be due on 1/14/2011; Defendant's reply will be due on 1/28/2011. Given the lengthy period of time in which the motions have been pending, this extension of time should be viewed as final. If Plaintiff does not file a response by the deadline, the Court may, in its discretion, rule on the motions without the benefit of response briefs. In any event, the Court will issue a written ruling on both pending motions by mail and provide further direction to the parties concerning the remainder of the case at the time of its ruling.

STATEMENT

¹ A copy of that letter will be placed on the docket in a separate entry. It appears that an identical letter was sent to several other judges of this Court as well as to the clerks of this Court and the Seventh Circuit. Although Plaintiff did not file a separate motion seeking any specific relief in this case, she did file an emergency motion in a case before Judge Hart in Case No. 09-cv-2353, which he denied without prejudice to Plaintiff seeking relief in an appropriate forum. As Judge Hart also noted, the restrictions set forth by the Court's Executive Committee in *In re Shelton*, Case No. 10-cv-1995 (N.D. Ill. Apr. 8, 2010), remain in place and Plaintiff must abide by them.