

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

BENESSE R. SIMPSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 13 C 6141
	)	
PATRICK R. DONAHOE,	)	
Postmaster General,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

On September 24, 2013 this Court entered a memorandum order ("Order II") that denied the application of pro se plaintiff Benesse Simpson ("Simpson") for leave to file in forma pauperis ("IFP"). On October 10 Simpson responded by paying the \$400 filing fee so that this case can go forward.

One subject that bears renewed mention at this threshold stage is the timeliness of this action, a matter that this Court had confirmed in its initial September 4, 2013 memorandum order ("Order I"). Because Order II, in denying Simpson's motion for IFP status, had allowed Simpson to pay the filing fee before October 11 and she did so on October 10, this Court holds that she is entitled to retain her original filing date of August 28 for purposes of coming within the 90-day limitation period following her receipt of the final agency decision rejecting her claim.

One last item. Because Simpson is representing herself, she should understand that she bears the responsibility for arranging

for service of process on defendant Donahoe. In the meantime this Court is issuing its customary initial scheduling order, setting the first status hearing for 9 a.m. January 24, 2014.<sup>1</sup>



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Milton I. Shadur  
Senior United States District Judge

Date: October 22, 2013

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<sup>1</sup> This Court has been advised that the random reassignment procedure employed to establish the initial calendars of newly installed District Judges has designated this case for reassignment to the calendar of Judge-designate Sara Ellis, who is scheduled to be sworn in on October 23. Hence the status hearing date specified in the text simply implements the basic principle that every pending action should have a next date set to prevent any case from falling between the cracks--Judge Ellis is free to retain or to change the January 24 date.