

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

HUGO VALDIVIA,

Plaintiff,

v.

STATE OF ILLINOIS; et al.,

Defendants.

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Case No. 16 C 7520

MEMORANDUM ORDER

This Court's August 3, 2016 memorandum order ("Order") in this pro se action brought by prisoner plaintiff Hugo Valdivia ("Valdivia") against the State of Illinois and other defendants was "issued sua sponte because Valdivia has failed to take a step that must be dealt with at the outset to enable him to enter the federal courthouse door in the figurative sense." That failure consisted of Valdivia's omission of any allegations whatever that addressed the precondition imposed by 42 U.S.C. § 1997e(a) -- the obligation to exhaust all available remedies before bringing suit -- even though Valdivia's Complaint had listed no fewer than 27 shorthand statements of Valdivia's "complaints." Because of that omission, the Order gave Valdivia something over three weeks -- until August 26 -- "to supply a proper showing of such exhaustion, failing which this action will have to be dismissed."

Now August 26 has come and gone with Valdivia having transmitted a hand-printed letter on an entirely different subject, but having done nothing to cure the defect that the Order had specifically called to his attention. With Valdivia thus having ignored the responsibility

imposed on him by the above-cited congressional enactment, this Court will act in compliance with the forecast in the Order: This action is dismissed.¹



Milton I. Shadur
Senior United States District Judge


Date: August 30, 2016

¹ Valdivia's letter referred to in this paragraph of the text -- a half-page "To whom it may concern" communication received in the Clerk's Office on August 18 -- is attached as Ex. 1. This Court is sending a copy of this memorandum order with attached exhibit to the fiscal officer at the Cook County Jail so that he or she can comply with the permission granted by Valdivia in that letter.

KP

To: whom it may concern upon receiving this order I Hugo Valdivia am writing this letter in regards to my pending lawsuit case no. 16C 7520 giving permission to exhaust the remaining funds owed from my trust fund balance here at Cook County jail, I don't have the proper form or documentation to submit so I'm doing so via letter Hugo Valdivia

FILED

AUG 18 2016 

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Sincerely
HUGO VALDIVIA