

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

MEMORANDUM ORDER

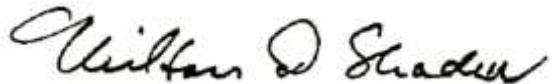
On February 16, 2017 this Court issued a minute entry (Dkt. No. 41) in this action, which had been transferred to this District Court from its place of origin in the Central District of California, that denied plaintiff Antonio Vernon ("Vernon") (1) leave to proceed in forma pauperis, (2) the appointment of counsel and (3) leave to file a proposed Second Amended Complaint, while directing Vernon to file a proposed Third Amended Complaint ("TAC") instead. That minute entry also set a July 19 status hearing to address the anticipated TAC. Unfortunately this Court then fell victim to the sudden onset of spinal stenosis in late May, requiring major surgery on June 8, and so this Court was compelled to issue brief memorandum orders in all cases on its calendar that previously had hearings set in both June and July (the time period required for post-operative nerve rehabilitation is a lengthy one).

Meanwhile no TAC was filed. This Court continued to monitor its calendar while away from the courthouse and, when more than six months had elapsed since the entry of the February 16 minute entry, it dismissed this action on August 28 for want of prosecution (Dkt. No. 45).

Now Vernon has filed a pro se "Motion To Reinstate and File Third Amended Complaint" (Dkt. No. 48, filed on September 14). In that motion Vernon represents that he had in fact prepared a TAC but had not filed it because he "was in limbo awaiting a rescheduled status hearing and contacted the court to understand the status of the case and the timeframe for a rescheduling."¹

This Court finds that assertion sufficiently plausible to justify granting the motion for reinstatement, and it so orders. But the unfortunate timing of the surgery and the ensuing rehabilitative efforts have left this Court without any law clerk support, requiring the reassignment of substantially its entire calendar to its colleagues on a computer-generated random assignment basis.

Accordingly this Court is now requesting the District Court's Executive Committee to reassign this action to one of its colleagues under the same computer-dictated procedure. It is expected that the assignee judge will then proceed to a determination as to whether leave to file the proposed TAC should be granted.



Milton I. Shadur
Senior United States District Judge

Date: September 20, 2017

¹ In that respect Vernon states that he called members of this Court's staff for that purpose.