

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

CYNTHIA WHITCHER)	
)	
Plaintiff,)	
)	
v.)	Cause No. 08-cv-634 JPG
)	
MERITAIN HEALTH, INC., and)	
PROTESTANT MEMORIAL)	
MEDICAL CENTER, INC.)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Meritain Health, Inc.’s Motion to Dismiss Counts I and II of Plaintiff’s Complaint (Doc. 16) and Defendant Protestant Memorial Medical Center, Inc.’s Motion to Dismiss Counts II and III of Plaintiff’s Complaint (Doc. 17), which were filed on September 26, 2008. Pursuant to Local Rule 7.1(c), plaintiff Cynthia Whitcher’s responses were due 30 days after the motion to dismiss was filed. She sought an extension of that deadline twice, and the Court allowed her to file her responses on or before November 12, 2008. That deadline has passed and Witcher has not responded. The Court may, in its discretion, construe a party’s failure to file a timely response as an admission of the merits of the motion. Local Rule 7.1(c). The Court hereby **ORDERS** Whitcher to **SHOW CAUSE** on or before April 24, 2009, why the Court should not construe her failure to timely respond to the motions to dismiss as an admission of the merits of the motions and dismiss Counts I and II against defendant Meritain Health, Inc. and Counts II and III against Defendant

Protestant Memorial Medical Center, Inc.. Failure to respond in a timely manner to this order may result in dismissal of this action for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b) and the Court's inherent authority to manage its docket.

See In re Bluestein & Co., 68 F.3d 1022, 1025 (7th Cir. 1995).

IT IS SO ORDERED.

DATED: April 13, 2009

s/ J. Phil Gilbert

J. Phil Gilbert

United States District Court Judge