

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MICHAEL TERRY, IDOC # A60509,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 10-720-GPM
)	
JOHN L. COX, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

Plaintiff Michael Terry, a prisoner in the custody of the Illinois Department of Corrections who currently is serving a sentence of eight years' imprisonment at the Pontiac Correctional Center for theft, brings this suit pro se pursuant to 42 U.S.C. § 1983 for alleged deprivations of his constitutional rights by persons acting under color of state law. By order entered January 26, 2011, the Court denied Terry's motion for leave to proceed in forma pauperis ("IFP") in this case. In denying Terry's IFP motion the Court found that at least three prior civil actions brought by Terry while incarcerated in which Terry sought redress from officers or employees of a governmental entity have been dismissed pursuant to 28 U.S.C. § 1915A as frivolous, malicious, or failing to state a claim upon which relief may be granted. *See Terry v. Ding*, Civil No. 10-2214-MPM (C.D. Ill. Oct. 4, 2010) (order dismissing action for failure to state a claim upon which relief may be granted); *Terry v. Ding*, Civil No. 10-2026-MPM (C.D. Ill. Mar. 3, 2010) (same); *Terry v. Walker*, Civil No. 08-1298-HAB (C.D. Ill. June 3, 2009) (same); *Terry v. Barnett*, Civil No. 03-144-WDS (S.D. Ill. Nov. 30, 2004) (same). Accordingly, in the January 26 order the Court found that, pursuant

to 28 U.S.C. § 1915(g), Terry cannot proceed IFP in this case unless he can show that he is under imminent danger of serious physical injury. In the January 26 order the Court found further that the allegations of Terry's pro se complaint and the averments of Terry's affidavit in support of his IFP motion do not show that Terry is under imminent danger for purposes of Section 1915(g). Thus, the Court ordered Terry to pay the full \$350 filing fee for this case not later than February 10, 2011, or this case would be dismissed. To date, the filing fee for this case remains unpaid. Therefore, pursuant to Rule 41 of the Federal Rules of Civil Procedure, it is hereby **ORDERED** that this case is **DISMISSED with prejudice** by reason of Terry's failure to comply with the Court's January 26 order. *See* Fed. R. Civ. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051, 1056-57 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466, 468 (7th Cir. 1994). The Clerk of Court will enter judgment in accordance with this Order.

IT IS SO ORDERED.

DATED: February 14, 2011

/s/ G. Patrick Murphy
G. PATRICK MURPHY
United States District Judge