

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

|                               |   |                         |
|-------------------------------|---|-------------------------|
| KEVIN BARNES, Inmate #M17905, | ) |                         |
|                               | ) |                         |
| Plaintiff,                    | ) |                         |
|                               | ) |                         |
| vs.                           | ) | Case No. 11-cv-0815-MJR |
|                               | ) |                         |
| BILLY J. COLSON,              | ) |                         |
| GERMAN TANNER,                | ) |                         |
| and PAM PEASE,                | ) |                         |
|                               | ) |                         |
| Defendants.                   | ) |                         |

MEMORANDUM AND ORDER DISMISSING CASE

REAGAN, District Judge:

On January 11, 2012, Plaintiff was ordered to provide the Court with his current address no later than February 8, 2012 (Doc. 12). Plaintiff clearly was warned in that Order that failure to do so could result in dismissal of this case. The Notice of Impending Dismissal was mailed to Plaintiff at the address on file with the Clerk's Office in this action – c/o Tamms Correctional Center, 8500 Supermax Road, Tamms, Illinois, 62988.

On January 24, 2012, the Order was returned to this Court as undeliverable. The date to notify this Court of Plaintiff's change of address has passed, and Plaintiff has failed to do so. As a result, this action is **DISMISSED** without prejudice, for failure to comply with an Order of this Court. **FED. R. CIV. P. 41(b)**. See *generally Ladien v. Astrachan*, 128 F.3d 1051 (7<sup>th</sup> Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7<sup>th</sup> Cir. 1994). Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, thus the filing fee of \$350 remains due and payable. See 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467

(7th Cir. 1998). All pending motions are **DENIED as moot**. The Clerk's Office is **DIRECTED** to close this case.

IT IS SO ORDERED.

DATED February 14, 2012.

s/ MICHAEL J. REAGAN  
Michael J. Reagan  
United States District Judge