

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

JAMES MELVIN RUSSELL,

Plaintiff,

vs.

CSX TRANSPORTATION, INC.,

Defendant.

No. 12-cv-316-DRH-PMF

ORDER

HERNDON, Chief Judge:

Pending before the Court is defendant's motion to strike plaintiff's request for prejudgment interest from his prayer for relief under *Monessen Sw. Ry. Co. v. Morgan*, 486 U.S. 330, 337-38 (1988) (holding federal law does not authorize awards of prejudgment interest in Federal Employers' Liability Act suits) (Doc. 11). Defendant filed its instant motion on June 19, 2012. Thus, plaintiff's response was due by July 6, 2012. See SDIL-LR 5.1(c); 7.1(g). The Court deems plaintiff's failure to respond an admission of the merits of defendant's motion. SDIL-LR 7.1(c)(2). Further, consistent with *Monessen*, plaintiff's request for prejudgment interest must be stricken. *Monessen*, 486 U.S. at 338. Accordingly, defendant's motion is **GRANTED** (Doc. 11). Plaintiff's request for prejudgment interest is stricken.

IT IS SO ORDERED.

Signed this 9th day of July, 2012.

Digitally signed by
David R. Herndon
Date: 2012.07.09
11:02:43 -05'00'

**Chief Judge
United States District Court**