

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

**ROBIN SMITH, # N54258,**

**Plaintiff,**

**vs.**

**Case No. 13-cv-00551-MJR**

**STATE OF ILLINOIS,  
SALVADOR A. GODINEZ,  
DONALD GAETZ,  
EARL WILSON,  
JASON BRADLEY,  
LT. HUBLER,  
GINA ALLEN,  
KIM DEEN,  
PETER LISZEWSKI,  
PETER J. JOHNSON,  
WILLIAM HARRIS,  
MATT FLOWERS,  
JEFFREY BARKER,  
BOBBY JOHNSON,  
C/O LAWRENCE,  
BILLY ROLLA,  
C/O CLAXTON,  
KARRI SANDERS, and  
BRENDA PAULSMEYER,**

**Defendants.**

**MEMORANDUM AND ORDER**

**REAGAN, District Judge:**

Plaintiff Robin Smith, currently incarcerated at Pinckneyville Correctional Center (“Pinckneyville”), filed this *pro se* civil rights action on June 11, 2013 (Doc. 1). By Order dated July 8, 2013, the Court concluded that the complaint, as drafted, failed to state a colorable constitutional claim (Doc. 7). The Court’s Order contained a very detailed explanation of the original complaint’s failings—a virtual roadmap to an acceptable amended complaint.

Plaintiff was directed to file an amended complaint by August 7, 2013 (Doc. 7). He was forewarned that failure to file a proper complaint by the prescribed deadline would result in the dismissal of this action. Plaintiff was subsequently granted two extensions of time (Docs. 9 and 12). A final deadline of October 9, 2013, was set and Plaintiff was specifically warned that no further extensions would be granted (Doc. 12).

On October 9, 2013, Plaintiff filed what is captioned “Amended Civil Rights Complaint” (Doc. 13). However, the amended complaint does not contain any claims against and defendants; it merely addresses jurisdiction and venue. Attached to the purported amended complaint is a letter seeking an additional extension of time to file an amended complaint (Doc. 13-1). Plaintiff explains for the third time that he and his jailhouse lawyer have only been able to meet approximately six times, for two hours each time, to work on his amended complaint. Plaintiff observes that since the defendants have not been served yet, they would not be prejudiced by allowing additional time.

Plaintiff’s amended complaint (Doc. 13) fails to state a claim upon which relief can be granted and will therefore be dismissed pursuant to 28 U.S.C. § 1915A(b)(1). Plaintiff’s motion for a further extension of time to file another amended complaint (Doc. 13-1) will be dismissed. As the Court previously warned, no further extensions will be granted. Accordingly, this entire action shall be dismissed pursuant to the Court’s inherent authority to control its docket and dispose of litigation in an orderly and efficient manner. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962); *Harrington v. City of Chicago*, 433 F.3d 542, 548 (7th Cir. 2006). However, as a matter of discretion, dismissal shall be without prejudice, which leaves open the possibility of Plaintiff filing a new case. Also, no strike will be assessed for purposes of 28 U.S.C. § 1915(g).

**IT IS THEREFORE ORDERED** that, for the reasons stated, Plaintiff's amended complaint (Doc. 13) is **DISMISSED** without prejudice and this action is **DISMISSED** without prejudice. Judgment will be entered accordingly and this case will be closed. No strike will be assessed under the provisions of 28 U.S.C. § 1915(g).

**IT IS FURTHER ORDERED** that Plaintiff's motion for an extension of time to file an amended complaint (Doc. 13-1) is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff remains obligated to pay the filing fee. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

**IT IS SO ORDERED.**

**DATED: November 12, 2013**

*s/ Michael J. Reagan*  
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**MICHAEL J. REAGAN**  
**UNITED STATES DISTRICT JUDGE**