

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

THOMAS BYRD, # S09454,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 13-cv-00783-GPM
)	
LOUIS SHICKER,)	
DR. SHAH,)	
ANGEL RECTOR, and)	
CHRISTIE BROWN,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

On August 1, 2013, Plaintiff Thomas Byrd, an inmate in the custody of the Illinois Department of Corrections, housed at Pinckneyville Correctional Center, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (Doc. 1). By Order dated August 30, 2013, the Court concluded that the complaint, as drafted, failed to state a colorable constitutional claim (Doc. 13).

Plaintiff was directed to file an amended complaint by September 30, 2013 (Doc. 13). He was forewarned that failure to file a proper complaint by the prescribed deadline would result in the dismissal of this action for lack of subject matter jurisdiction, that such a dismissal would count as one of his allotted “strikes” under the provisions of 28 U.S.C. § 1915(g), and that Plaintiff would remain 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).

Plaintiff has not filed a complaint and the deadline for doing so has passed. It appears that Plaintiff has abandoned this action.

IT IS THEREFORE ORDERED that pursuant to Federal Rule of Civil Procedure 41(b), this action is **DISMISSED with prejudice** for failure to comply with a court order and failure to prosecute this action. This action is deemed frivolous for purposes of Section 1915(g); therefore Plaintiff will be allotted a **STRIKE** under the provisions of 28 U.S.C. § 1915(g). Judgment shall enter accordingly and this case is closed.

IT IS FURTHER ORDERED that all pending motions (Docs. 2, 4, 12) are **DENIED AS MOOT**.

IT IS SO ORDERED.

DATED: November 21, 2013

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