

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

<p>ORLANDO D. LOFTON, #7163,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>ST. CLAIR COUNTY JAIL, <i>including the complete staff</i></p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 13-cv-00823-MJR</p>
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MEMORANDUM AND ORDER

REAGAN, District Judge:

On August 9, 2013, Plaintiff filed a complaint against St. Clair County Jail for violations of his constitutional rights under 42 U.S.C. § 1983 (Doc. 1). The complaint failed to state a cognizable claim for unconstitutional conditions of Plaintiff’s confinement, deliberate indifference to Plaintiff’s serious medical needs, denial of Plaintiff’s freedom to exercise his religion, or denial of Plaintiff’s access to the courts. The Court dismissed the complaint without prejudice and with leave to file an amended complaint on September 9, 2013 (Doc. 6). Plaintiff was instructed to file an amended complaint stating facts supporting Plaintiff’s claims and naming individual defendants directly responsible for the alleged constitutional deprivations within thirty-five (35) days of the Court’s Order dismissing the case (i.e., by October 15, 2013). Thirty-five (35) days have since passed. The Plaintiff has not filed an amended complaint.

As a result, this case is **DISMISSED with 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 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). This dismissal shall count as one of Plaintiff’s three allotted “strikes” within the meaning of 28 U.S.C. § 1915(g).

If Plaintiff wishes to appeal this dismissal, he may file a notice of appeal with this Court within thirty days of the entry of judgment. FED. R. APP. P. 4(a)(1)(A). A motion for leave to appeal *in forma pauperis* should set forth the issues Plaintiff plans to present on appeal. *See* FED. R. APP. P. 24(a)(1)(C). If Plaintiff does choose to appeal, he will be liable for the \$455.00 appellate filing fee¹ irrespective of the outcome of the appeal. *See* FED. R. APP. P. 3(e); 28 U.S.C. § 1915(e)(2); *Ammons v. Gerlinger*, 547 F.3d 724, 725-26 (7th Cir. 2008); *Sloan v. Lesza*, 181 F.3d 857, 858-59 (7th Cir. 1999); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). Moreover, if the appeal is found to be nonmeritorious, Plaintiff may also incur a “strike.” A timely motion filed pursuant to Federal Rule of Civil Procedure 59(e) may toll the 30-day appeal deadline. FED. R. APP. P. 4(a)(4).

The Clerk’s Office is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: October 24, 2013

s/ MICHAEL J. REAGAN
United States District Judge

¹ The appellate filing fee increases to \$500.00 for any appeal filed on or after December 1, 2013.