

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

ANDREW LAMON,

Plaintiff,

vs.

DR. ALFONSO DAVID,

Defendant.

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Case No. 13-cv-01247-JPG-RJD

ORDER

This matter comes before the Court on defendant Dr. Alfonso David's Motion (Doc. 40) for Sanctions and Motion (Doc. 44) for Order to Show Cause. The Court previously granted Defendant Dr. David's Motion (Doc. 37) to Compel and ordered the plaintiff to respond to defendant's discovery requests on or before March 10, 2017. (Doc. 39). Plaintiff failed to comply with that order. The defendant then moved for sanctions and also for an Order to Show Cause.

The Court entered two show cause orders. The first show cause order required the plaintiff to show cause why this matter should not be dismissed for failure to comply with the Court's Order (Doc. 42) and the second show cause order required the plaintiff to show cause why this matter should not be dismissed for failure of the plaintiff to keep the Court advised of his current address (Doc. 45). Both show caused orders warned the plaintiff that failure to respond would result in the dismissal of this case with prejudice.

The Plaintiff has not responded to either Show Cause Orders and the time for doing so has expired. He has not complied with this Court's order with regard to discovery and he has not updated the Court with his current address. Further, plaintiff has not had any contact with the Court since the stay in this matter was lifted on June 30, 2016.

Federal Rule of Civil Procedure 41(b) provides that the Court may involuntarily dismiss a matter if a plaintiff fails to prosecute. Plaintiff was warned in this Court's order referring the case to Magistrate Judge Daly (Doc. 7) as follows:

Plaintiff is **ADVISED** that he is under a continuing obligation to keep the Clerk of Court and each opposing party informed of any change in his address; the Court will not independently investigate his whereabouts. This shall be done in writing and not later than **7 days** after a transfer or other change in address occurs. Failure to comply with this order will cause a delay in the transmission of court documents and may result in dismissal of this action for want of prosecution.

Despite the numerous warnings, plaintiff has failed to keep the court advised of his current address and has failed to comply with this Court's order with regard to discovery. As such, plaintiff has failed to diligently prosecute this matter. Therefore, pursuant to Federal Rule of Civil Procedure 41(b), this case is **DISMISSED** with prejudice for failure to prosecute. The Clerk of Court is **DIRECTED** to enter judgment accordingly and all pending motions are moot.

IT IS SO ORDERED.

DATED: 5/8/2017

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE