Ivy v. Watson et al Doc. 10

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

HAROLD IVY,	)	
Plaintiff,	)	
vs.	) Case No. 14-cv-00091-JI	PG
RICHARD WATSON,	)	
OFFICER HUMPHREY,	)	
OFFICER BEATTIE, and	)	
OFFICER WAGNER,	)	
	)	
Defendants.	)	

## **MEMORANDUM AND ORDER**

## **GILBERT**, District Judge:

On January 27, 2014, Plaintiff Ivy, an inmate at the St. Clair County Jail, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (Doc. 1). By Order dated February 18, 2014, the Court concluded that the complaint, as drafted, failed to state a colorable constitutional claim (Doc. 7).

Plaintiff was directed to file a complaint by March 20, 2014 (Doc. 7). He was forewarned that failure to file a proper complaint by the prescribed deadline would result in the dismissal of this action, 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. Furthermore, 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 will be closed.

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:** May 16, 2014

<u>s/J. Phil Gilbert</u>**U.S. District Judge**