

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

MARIO MARTINEZ SHAW,)	
)	
Plaintiff,)	
)	
vs.)	Case No. <u>3:14-cv-00685-JPG-PMF</u>
)	
RICHARD WATSON, et al.,)	
)	
Defendants.)	

NOTICE AND ORDER

FRAZIER, Magistrate Judge:

Before the Court is the Defendants’ Motion to Dismiss for Failure to Exhaust Administrative Remedies (Doc. 34). Pursuant to Federal Rule of Civil Procedure 12(d), the motion is being treated as a motion for summary judgment. However, because Plaintiff Shaw is proceeding *pro se*, he must be notified of the consequences if he fails to adequately respond to the motion. *Bryant v. Madigan*, 84 F.3d 246, 247 (7th Cir. 1996); *Lewis v. Faulkner*, 689 F.2d 100, 102 (7th Cir. 1982). No notice is on file.

Plaintiff Mario Martinez Shaw is hereby NOTIFIED that failure to properly respond to the Defendants’ Motion might be fatal to his claim. Any fact asserted in the materials submitted with a motion for summary judgment will be accepted by the Court as being true unless plaintiff raises a valid objection that a fact is not supported by admissible evidence, submits his own affidavits or other documents controverting the factual assertions, or otherwise demonstrates that a material fact is genuinely disputed. Any assertion that a fact is genuinely disputed must be supported by citation to particular parts of materials in the record. Affidavits

and declarations must be made on personal knowledge. A copy of Rule 56 of the Federal Rules of Civil Procedure is attached to this Order. Plaintiff is DIRECTED to review that rule.

IT IS ORDERED that the deadline for the Plaintiff to respond to the Defendants' Motion is hereby extended to **June 1, 2015**. Plaintiff may file documents, affidavits, and other materials in response to the motion.

IT IS SO ORDERED.

DATED: April 30, 2015.

s/ Philip M. Frazier
PHILIP M. FRAZIER
UNITED STATES MAGISTRATE JUDGE