

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

DeMARCO POOLE, # S-00804,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 14-cv-01094-NJR
)	
WARDEN STEPHEN DUNCAN,)	
DR. J. COE, UNKNOWN NURSE,)	
and SCANNING PINCKNEYVILLE,)	
)	
Defendants.)	

NOTICE OF IMPENDING DISMISSAL

ROSENSTENGEL, District Judge:

On October 9, 2014, Plaintiff DeMarco Poole filed a complaint (Doc. 1) in this Court pursuant to 42 U.S.C. § 1983. In his complaint, Plaintiff claims that he was denied adequate medical treatment for a bump next to his ear at Lawrence Correctional Center (Doc. 1). He sues several Lawrence officials for allegedly violating his Eighth Amendment right to receive medical care. Along with the complaint, Plaintiff filed a letter, which states that he would soon be transferred to another facility and would provide the Court with his updated address at that time.

This case was opened without payment of a filing fee or the filing of a Motion and Affidavit to Proceed in District Court Without Prepaying Fees or Costs (“IFP Motion”). On October 10, 2014, the Clerk of Court sent Plaintiff a letter (Doc. 4) advising him that he must pay the filing fee of \$400.00 or file an IFP Motion within thirty days (*i.e.*, by November 9, 2014). Included with this letter was a form IFP motion. Plaintiff was clearly warned that failure to pay the full filing fee or to file an IFP motion before November 9, 2014, would result in dismissal of this case (*Id.*). Document 4 was sent to Plaintiff

at the address listed on the complaint and on file with the Clerk's Office in this action at the time – c/o Lawrence Correctional Center, 10930 Lawrence Road, Sumner, Illinois 62466.

On October 16, 2014, Plaintiff provided the Court with his updated address, *i.e.*, Pinckneyville Correctional Center, P.O. Box 999, Pinckneyville, Illinois 62274. To date, Plaintiff has not tendered payment of the \$400.00 filing fee or filed an IFP motion. The Court is mindful of the possibility that Plaintiff did not receive Document 4 at Lawrence before transferring to Pinckneyville. For that reason, on October 30, 2014, the Clerk of Court re-sent Plaintiff the October 10, 2014, letter at Pinckneyville. Under the circumstances, the Court is extending the deadline for paying the filing fee or filing an IFP motion to **November 29, 2014**.

Plaintiff is hereby **ORDERED** to provide the Court with a filing fee of \$400.00 or a properly completed Motion and Affidavit to Proceed in District Court Without Prepaying Fees or Costs on or before **November 29, 2014**. If Plaintiff files a Motion and Affidavit to Proceed in District Court Without Prepaying Fees or Costs, the Court must review Plaintiff's trust fund account statement for the 6 month period immediately preceding the filing of this action. Thus, Plaintiff must have the Trust Fund Officer at his facility complete the attached certification and provide a copy of his trust fund account statement (or institutional equivalent) for the period April 1, 2014 to October 9, 2014. This information should be mailed to the Clerk of Court at the following address: **United States District Court – Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois 62201**. The Clerk has already provided Plaintiff with a copy of the Motion and Affidavit to Proceed in District Court Without Prepaying Fees or Costs and will not need to send another form at this time.

Plaintiff is also **ADVISED** of his continuing obligation to keep the Clerk and each opposing party informed of any change in his address. The Court will not independently

investigate Plaintiff's whereabouts. This shall be done in writing and not later than **seven days** after a transfer or other change in address occurs.

Failure to comply with this Order shall result in dismissal of this action for want of prosecution and/or for failure to comply with a court order under Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

DATED: October 31, 2014

s/ NANCY J. ROSENSTENGEL
NANCY J. ROSENSTENGEL
United States District Judge