

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

RONALD E. DOUDS,)
No. 44579-061,)
)
Plaintiff,)
)
vs.)
)
USA, and,)
UTILIZATION REVIEW COMMITTEE,)
)
Defendants.)

Case No. 14-cv-01146-SMY

MEMORANDUM AND ORDER

YANDLE, District Judge:

Plaintiff Ronald E. Douds is an inmate in Greenville Correctional Center (“Greenville”). He brings this action pursuant to the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346, 2671–2680, based on the alleged negligent provision of medical care while he has been at Greenville.

In accordance with 28 U.S.C. § 1915A, the complaint underwent a preliminary review. By order dated November 18, 2014, the defendant Utilization Review Committee was dismissed with prejudice; Count 2, a claim based upon the Freedom of Information Act, was dismissed without prejudice. Relative to Count 1, a medical malpractice claim, it was ordered that on or before February 16, 2015, Plaintiff was to file the required medical affidavit pursuant to 735 ILCS 5/2-622. Plaintiff was forewarned that if the required affidavit was not filed by the prescribed deadline, Count 1 would be dismissed without prejudice and the case would be closed. The deadline for filing the required certificate has passed and nothing has been filed.

IT IS THEREFORE ORDERED that, for the reasons stated **COUNT 1** and Defendant **USA** are **DISMISSED without prejudice**. Judgment shall enter accordingly and the Clerk of Court shall administratively close this case. The dismissal of this action shall not count as a strike for purposes of 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

DATED: February 24, 2015

s/ Staci M. Yandle
United States District Judge