

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

LLOYD STAMPS,)	
#R-31789,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 14-cv-01334-SMY
)	
DIXON SPRINGS)	
CORRECTIONAL FACILITY,)	
VIENNA CORRECTIONAL FACILITY,)	
RANDY DAVIS, JANE DOE,)	
and JOHN DOE,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

YANDLE, District Judge:

Plaintiff Lloyd Stamps filed a complaint pursuant to 42 U.S.C. § 1983 in the Northern District of Illinois on October 30, 2014 (Doc. 1). In it, Plaintiff claims that he was denied adequate medical care for a ruptured colon at Dixon Springs Correctional Facility (“Dixon Springs”), which is a satellite facility of the Vienna Correctional Center (“Vienna”). He sues both facilities and several of their employees for allegedly violating his rights under the Eighth Amendment and Illinois state law. Because Dixon Springs and Vienna are located in the Southern District of Illinois, the case was transferred to this Court on December 2, 2014 (Doc. 6).

The 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 December 2, 2014, the Clerk of Court sent Plaintiff a letter (Doc. 8) advising him that he must pay the \$400.00 filing fee or file an IFP motion within thirty days

(i.e., before January 2, 2015). 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 the deadline would result in dismissal of this case (*Id.*). He was also advised of his continuing obligation to keep the Court informed of any changes in his address. Document 8 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 Stateville Correctional Center, Route 53, P.O. Box 112, Joliet, Illinois 60434.

On December 3, 2014, the Court entered a text order in CM/ECF striking the complaint (Doc. 1) and the motion for appointment of counsel (Doc. 4) because both pleadings were filed without Plaintiff's signature, in violation of Federal Rule of Civil Procedure 11 (Doc. 9). Plaintiff was ordered to resubmit a properly signed complaint and any other motions he wished to file within thirty days (i.e., before January 2, 2015). He was clearly warned that failure to do so would result in dismissal of this action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court returned both pleadings (Docs. 1 & 4) to Plaintiff at the address listed on the complaint and on file with the Clerk's Office in this action.¹ Both pleadings were returned to the Court as undeliverable, with a note indicating that Plaintiff had been "discharged/paroled." Plaintiff has not provided the Court with his updated address, as he is required to do.

The deadline for paying the full filing fee or filing a properly completed IFP motion has now passed without any communication from Plaintiff. The deadline for resubmitting a properly signed complaint has also passed without receipt of the same. Plaintiff is in clear violation of the Court's Order (Doc. 9).

¹ The address, which is referred to in the preceding paragraph, is "c/o Stateville Correctional Center, Route 53, P.O. Box 112, Joliet, Illinois 60434."

The Court will not allow this matter to linger indefinitely. This action is **DISMISSED** without prejudice for failure to comply with a court order and for want of prosecution. FED. R. CIV. P. 41(b). *See generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). This dismissal shall **NOT** count as a “strike” under 28 U.S.C. § 1915(g). Plaintiff’s obligation to pay the filing fee for this action was incurred at the time the action was filed, so the fee of \$400.00 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

The Clerk’s Office is **DIRECTED** to close this case.

IT IS SO ORDERED.

DATED: January 6, 2015

s/ STACI M. YANDLE
Staci M. Yandle,
United States District Judge