

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DARRYL ROBINSON,

Plaintiff,

v.

RICK WATSON, LT. STRUBERG,
CAPTAIN TRICE and ZAC KURTIS, ,

Defendants.

Case No. 15-cv-436-JPG-RJD

MEMORANDUM AND ORDER

This matter comes before the Court on (now retired) Magistrate Judge Philip M. Frazier's order (Doc. 35) directing plaintiff Darryl Robinson to respond by September 6, 2016, to the defendants' motion to dismiss this case for failure to state a claim (Doc. 33). It warned Robinson that if he failed to file a timely response, the Court would construe the absence of a response as an admission of the merits of the motion to dismiss pursuant to Local Rule 7.1(c). Robinson did not file a response to the motion. Accordingly, as it warned it would do, the Court construes Robinson's failure to respond to the motion to dismiss as an admission of the merits of the motion, **GRANTS** the motion (Doc. 33), **DISMISSES** this case **without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: September 22, 2016

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE