

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARC NORFLEET	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 3:15-cv-01279-GCS
	)	
ILLINOIS DEPARTMENT OF	)	
CORRECTIONS, et al.,	)	
	)	
Defendants.	)	

MEMORANDUM AND ORDER

SISON, Magistrate Judge:

This matter comes before the Court for case management. On February 11, 2019, the Court amended the scheduling order extending the deadlines in this case. (Doc. 211). Specifically, the Court extended the time for Norfleet to file a motion for class certification to October 23, 2019. As of this date, Norfleet has not filed the motion for class certification. Further, on May 22, 2020, Defendants filed a motion to dismiss for lack of prosecution. (Doc. 231). In addition to not filing the motion for class certification, Defendants argue that the Court should dismiss this case because Norfleet has failed to conduct discovery regarding his class action claims, he has failed to pay all outstanding fees and sanctions, and he has failed to prosecute this case. Further, Defendants argue that they will be prejudiced if they must spend time and expend resources deposing Norfleet and filing a summary judgment motion to which Norfleet will be unable to respond. As of this date, Norfleet has not responded to Defendants' motion.

The Court reminds Norfleet that pursuant to an Order entered by the Seventh Circuit Court of Appeals on April 9, 2019, the clerks of all federal courts in the Circuit must return unfiled any papers submitted either directly or indirectly by or on behalf of Plaintiff *until* he has paid in full all outstanding fees and any sanctions in all civil actions he has filed. *See Norfleet v. Baldwin, et al.*, App. No. 19-1337 (7th Cir. Apr. 9, 2019). (Doc. 9). Thus, if he wishes to file a motion for class certification and file a response to the motion to dismiss for failure to prosecute, he *must* first comply with the Seventh Circuit's Order.

Accordingly, the Court **ALLOWS** Norfleet up to and including July 27, 2020, to file the motion for class certification and to respond to the motion to dismiss for failure to prosecute. Should Norfleet fail to file his motion for class certification and fail to respond to the motion to dismiss within the allotted time or consistent with the instructions in this Order, the entire case shall be dismissed with prejudice for failure to comply with a court order and/or for failure to prosecute his claims. *See* FED. R. CIV. PROC. 41(b). *See generally* *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

**IT IS SO ORDERED.**

Dated: June 26, 2020.

  
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by Judge Sison  
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**GILBERT C. SISON**  
**United States Magistrate Judge**