

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARC NORFLEET

Plaintiff,

vs.

ILLINOIS DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

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Case No. 3:15-cv-01279-GCS

MEMORANDUM & ORDER

SISON, Magistrate Judge:

On May 22, 2020, Defendants filed a motion to dismiss for want of prosecution. (Doc. 231). On June 26, 2020, the Court entered an Order regarding Plaintiff's failure to respond to the motion to dismiss and failure to follow Court orders. (Doc. 232). In this Order, the Court recognized that Plaintiff was subject to a filing restriction prohibiting him from filing papers in any court in this Circuit until he paid all outstanding fees and sanctions owed in his civil actions. (Doc. 232)(citing *Norfleet v. Baldwin*, App. No. 19-1337 (7th Cir. Apr. 9, 2019) (Doc. 9)). The Court reminded Plaintiff of this filing restriction and extended him additional time to respond to the motion to dismiss and to file a motion for class certification if he first complied with the Seventh Circuit's Order. Plaintiff was warned that the action would be dismissed, if he failed to file and comply with the Seventh Circuit's Order according to the deadline and instructions in the Order. *Id.* (citing

FED. R. CIV. PROC. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994)).

Prior to the deadline, Plaintiff attempted to file a response to the motion dismiss and a motion for class certification. (Doc. 233). At the time, he remained subject to the Seventh Circuit's filing restriction. The Court therefore entered an order striking the response and the motion for class certification directing the Clerk to return it to Plaintiff. (Doc. 234). Shortly thereafter, Plaintiff attempted to file another motion for class certification which the Court returned with a copy of the Seventh Circuit's April 9, 2019 Order regarding the filing restriction to Norfleet. (Doc. 235). The deadline for filing a response to the motion to dismiss and for filing a motion for class certification expired on July 27, 2020. The Court will not allow this matter to linger indefinitely.

Accordingly, the Court **GRANTS** Defendants' motion to dismiss for want of prosecution. (Doc. 231). Pursuant to Federal Rule of Civil Procedure 41(b), the Court **DISMISSES with prejudice** this action for failure to prosecute and for failure to follow Court orders. The Court **DIRECTS** the Clerk of the Court to enter judgment reflecting the same.

IT IS SO ORDERED.

Dated: July 29, 2020.

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by Judge Sison
Date:
2020.07.29
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GILBERT C. SISON
United States Magistrate Judge