

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

DEARICK FARR, #K-69866,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 16-cv-00392-JPG
)	
DR. CALDWELL and WEXFORD,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

GILBERT, District Judge:

On April 8, 2016, Plaintiff Dearick Farr filed a Complaint (Doc. 1) pursuant to 42 U.S.C. § 1983 against Doctor Caldwell (prison physician) and Wexford (prison healthcare provider) for discontinuing his pain medication on September 15, 2015 (Doc. 1, p. 5). The Complaint did not survive threshold review under 28 U.S.C. § 1915A because it failed to state a claim upon which relief may be granted against the defendants. Accordingly, the Court dismissed the Complaint on May 13, 2016 (Doc. 6). However, the dismissal was without prejudice to Plaintiff filing a First Amended Complaint on or before June 17, 2016 (Doc. 9, p. 5). The deadline has now passed. Plaintiff has not filed a First Amended Complaint. He has also failed to request an extension of the deadline for doing so.

As a result, this case is **DISMISSED with prejudice** for failure to state a claim upon which relief may be granted and for failure to comply with an order of this Court. 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 count as one of Plaintiff's three allotted "strikes" within the meaning of 28 U.S.C. § 1915(g).

If Plaintiff wishes to appeal this Order, he may file a notice of appeal with this Court within thirty days of the entry of judgment. FED. R. APP. 4(A)(4). If Plaintiff does choose to appeal, he will be liable for the \$505.00 appellate filing fee irrespective of the outcome of the appeal. *See* FED. R. APP. 3(e); 28 U.S.C. § 1915(e)(2); *Ammons v. Gerlinger*, 547 F.3d 724, 725-26 (7th Cir. 2008); *Sloan v. Lesza*, 181 F.3d 857, 858-59 (7th Cir. 1999); *Lucien v. Jockish*, 133 F.3d 464, 467 (7th Cir. 1998). Moreover, if the appeal is found to be nonmeritorious, Plaintiff may also incur another “strike.” A proper and timely motion filed pursuant to Federal Rule of Civil Procedure 59(e) may toll the 30-day appeal deadline. FED. R. APP. P. 4(a)(4). A Rule 59(e) motion must be filed no more than twenty-eight (28) days after the entry of the judgment, and this 28-day deadline cannot be extended.

The Clerk’s Office is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: June 24, 2016

s/J. Phil Gilbert
United States District Judge