

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

DARNELL COMPTON,)	
)	
)	
Plaintiff,)	
)	
vs.)	Case No. 16-cv-0755-SMY
)	
JOHN BALDWIN, et al.)	
)	
Defendants.)	

MEMORANDUM AND ORDER

YANDLE, District Judge:

On July 6, 2016, Plaintiff filed this Complaint. (Doc. 1). The case underwent threshold screening on November 7, 2016, and the Court determined that Plaintiff had failed to state a claim upon which relief may be granted. (Doc. 9). Plaintiff was given until December 12, 2016 to file an amended complaint, stating any facts which may exist to support a claim for deliberate indifference. (Doc. 9). The deadline has now passed. Plaintiff has not filed an amended complaint or requested an extension of time to do so. The Court therefore finds that Plaintiff is not in compliance with its November 7th Order directing him to file an amended complaint. (Doc. 6).

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). If the appeal is found to be non-meritorious, Plaintiff may also incur another “strike.” A timely motion filed pursuant to Federal Rule of Civil Procedure 59(e) may toll the 30-day appeal deadline.¹ FED. R. APP. 4(a)(4).

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

IT IS SO ORDERED.

DATED: December 19, 2016

s/ STACIM. YANDLE
United States District Judge

¹ A Rule 59(e) motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment. FED. R. CIV. P. 59(e).