

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

DAVID ROBERT BENTZ,
#S-03210,

Plaintiff,

vs.

NATHANIEL MAUE, et al.,

Defendants.

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Case No. 16-00854-NJR

NOTICE OF IMPENDING DISMISSAL

ROSENSTENGEL, District Judge:

Plaintiff David Bentz filed this action pursuant to 42 U.S.C. § 1983 against thirty-four known and numerous unknown state officials who allegedly conspired to violate his rights under the First, Eighth, and Fourteenth Amendments during his incarceration at Menard Correctional Center (Doc. 1). On July 27, 2016, this case was opened without payment of a filing fee or the filing of a Motion and Affidavit to Proceed in District Court Without Prepaying Fees or Costs (“IFP Motion”). On the same date, the Clerk of Court sent Plaintiff a letter (Doc. 2) advising him that he must prepay the filing fee of \$400.00 or file an IFP Motion within thirty days (*i.e.*, by August 26, 2016). Plaintiff was clearly warned that failure to prepay the full filing fee or file an IFP Motion by August 26, 2016, would result in dismissal of this case (*id.*). Document 2 was sent to Plaintiff at the address listed on the complaint and on file with the Clerk’s Office in this action at the time – *c/o* Menard Correctional Center, 711 Kaskaskia Street, P.O. Box 1000, Menard, Illinois 62259. Included with this letter was a form IFP Motion.

To date, Plaintiff has not paid the \$400.00 filing fee for the action or filed a properly completed IFP Motion and Trust Fund Statement. The Court cannot allow this matter to linger indefinitely. The deadline set in Document 2 remains in effect.

Plaintiff is hereby **ORDERED** to provide the Court with a filing fee of \$400.00 or a properly completed IFP Motion on or before **August 26, 2016**. If Plaintiff files an IFP Motion, the Court must review Plaintiff's trust fund account statement for the 6-month period immediately preceding the filing of this action. Thus, Plaintiff must have the Trust Fund Officer at his facility complete the attached certification and provide a copy of his trust fund account statement (or institutional equivalent) for the period 2/1/2016 to 8/1/2016. This information should be mailed to the Clerk of Court at the following address: United States District Court – Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois 62201. The Clerk has already provided Plaintiff with a copy of the form IFP Motion along with Document 2 and will not need to send a second form at this time.

Plaintiff is again **ADVISED** of his continuing obligation to keep the Clerk and each opposing party informed of any change in his address. The Court will not independently investigate Plaintiff's whereabouts. This shall be done in writing and not later than 7 days after a transfer or other change in address occurs.

Failure to comply with this Order shall result in dismissal of this action for want of prosecution and/or for failure to comply with a court order under Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

DATED: August 17, 2016



NANCY J. ROSENSTENGEL
United States District Judge