

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

NAENB MERSHAH,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 16-cv-00961-JPG-RJD
	)	
PULASKI COUNTY DETENTION	)	
CENTER, <i>et al.</i> ,	)	
	)	
Defendant.	)	

**MEMORANDUM and ORDER**

This matter comes before the Court on defendants Tarah Riddle and Janna Cornelius’ Motion (Doc. 25) to Dismiss Under Rule 41(b) and defendant Charles Paulius’ Motion (Doc. 27) to Dismiss Under Rule 41(b). Both motions move the Court to dismiss this matter for lack of prosecution and the plaintiff’s failure to comply with Court Orders and local rules.

The plaintiff filed his Complaint (Doc. 1) on August 26, 2016 and amended his complaint on September 22, 2016 (Doc. 3). The Plaintiff has had no other filing with this Court since September 22, 2017.

The defendants state<sup>1</sup> that the plaintiff has failed to respond to any written discovery requests and that mail addressed to the plaintiff, at the address on file with the Court, is returned to their office. This Court issued a Show Cause Order (Doc. 26) on May 12<sup>th</sup>, 2017, directing the plaintiff to respond and show cause why this matter should not be dismissed for plaintiff’s failure to keep his address current with the Court. Plaintiff was further warned that failure to respond to the show cause order may result in the dismissal of this matter. The Court sent a copy of the Show Cause Order to plaintiff’s current address on file and it was returned undeliverable.

<sup>1</sup> Defendant Paulisu adopted the arguments set forth in defendants Riddle and Cornelius’ motion. As such, the Court will refer to Paulisu, Riddle and Cornelius collectively as defendants.

Federal Rule of Civil Procedure 41(b) provides that the Court may involuntarily dismiss a matter if a plaintiff fails to prosecute. Plaintiff was warned in this Court's order referring the case to Magistrate Judge Daly (Doc. 7) as follows:

Plaintiff is **ADVISED** that he is under a continuing obligation to keep the Clerk of Court and each opposing party informed of any change in his address; the Court will not independently investigate his 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 will cause a delay in the transmission of court documents and may result in dismissal of this action for want of prosecution.

Plaintiff has failed to keep the court advised of his current address and has failed to comply with this Court's order with regard to discovery. He failed to respond to either of the defendants' motion and failed to respond to this Court's Show Cause Order. As such, plaintiff has failed to diligently prosecute this matter.

Therefore, defendants Tarah Riddle and Janna Cornelius' Motion (Doc. 25) to Dismiss Under Rule 41(b) and defendant Charles Paulius' Motion (Doc. 27) to Dismiss Under Rule 41(b) are **GRANTED** and pursuant to Federal Rule of Civil Procedure 41(b), this case is **DISMISSED** without prejudice for failure to prosecute. The Clerk of Court is **DIRECTED** to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED:** 6/13/2017

*s/J. Phil Gilbert*  
\_\_\_\_\_  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**