

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

JOSEPH WILKINS

Plaintiff,

vs.

Case No. 16-cv-1324-DRH

**OVERALL,
ETCHESON,
SETH,
FOSTER, and
JOHNSON**

Defendant.

NOTICE OF IMPENDING DISMISSAL

HERNDON, District Judge:

Plaintiff Joseph Wilkins filed this action pursuant to 42 U.S.C. § 1983 for injuries arising out of allegedly improper dental care at Vandalia Correctional Center. (Doc. 1). In his complaint, plaintiff seeks monetary damages and fees. (Doc. 1). At the time he filed this suit, plaintiff was no longer incarcerated.

On December 9, 2016, this case was opened in the Southern District of Illinois 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”). (Doc. 1) (Doc. 4). On December 9, 2016, the Clerk of Court sent plaintiff a letter (Doc. 4) advising him that he must prepay the filing fee of \$400.00 or file an IFP Motion within thirty (30) days (*i.e.*, by January 9, 2017). Plaintiff was clearly warned that failure to prepay the full filing fee or file an IFP Motion by January 9, 2017, would result in dismissal of this case. *Id.* Document 4 was mailed to plaintiff at the

address listed on the complaint and on file with the Clerk's Office in this action at the time – PO Box 377862, Chicago, IL 60637. Attached to this letter was a form IFP Motion. On January 6, 2017, plaintiff submitted 4 documents to the Court for filing, but none of them addressed the filing fee or IFP status.

To date, plaintiff has not paid the \$400.00 filing fee for the action or filed a properly completed IFP Motion. The Court cannot allow this matter to linger indefinitely.

Plaintiff is hereby **ORDERED** to provide the Court with a filing fee of \$400.00 or a properly completed IFP Motion on or before February 10, 2017. The Clerk is **DIRECTED** to send plaintiff another form IFP motion.

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 January 10, 2017.

David R. Herndon



Digitally signed by
Judge David R.
Herndon
Date: 2017.01.10
11:06:53 -06'00'

United States District Court