

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

BRUNO BOBBIE ERNST, # N08113,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 17-cv-051-SMY
)	
UNKNOWN PARTY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

YANDLE, District Judge:

Plaintiff Bruno Ernst filed a document construed as a Complaint (Doc. 1) (“Complaint”) on January 9, 2017 in the United States District Court for the Central District of Illinois. The case was transferred to this District on January 18, 2017. (Doc. 2). Upon reviewing the Complaint, this Court determined that it was incomplete and failed to satisfy the applicable pleading standard under Rule 8 of the Federal Rules of Civil Procedure. (Doc. 5, p. 2). The Court ordered Plaintiff to file a complete § 1983 complaint, titled “First Amended Complaint,” on or before February 16, 2017 or face dismissal of the action. *Id.* That deadline has now passed and Plaintiff has not filed a First Amended Complaint. He also has failed to request an extension of the deadline for doing so.

Accordingly, this case is **DISMISSED with prejudice** for failure to comply with an order of this Court and failure to prosecute. 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). Plaintiff’s obligation to pay the filing fee for this action was incurred at the time the action was

filed, thus the filing fee of \$350.00¹ remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

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 a “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: February 24, 2017

s/ STACI M. YANDLE
United States District Judge

¹ Pursuant to 28 U.S.C. § 1914, effective May 1, 2013, an additional \$50.00 administrative fee is also to be assessed in all civil actions, *unless* pauper status has been granted.