

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

LISA NIEPERT,

Plaintiff,

vs.

JEFF BROWN,

Defendants.

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Case No. 17-cv-288-JPG

NOTICE OF IMPENDING DISMISSAL

GILBERT, District Judge:

This matter is before the Court for case management. On March 20, 2017, this action was severed from the case originally filed by Plaintiff and 7 other inmates at the Bond County Jail, *Jeremy K. Smith, et al., v. Jeff Brown*, Case No. 17-cv-006-JPG. (Doc. 1). Further, the Court dismissed the original Complaint (Doc. 2) for failure to state a claim upon which relief may be granted.

Plaintiff was ordered to submit an amended complaint no later than April 14, 2017, in order to proceed with this action. She was warned that failure to file an amended complaint would result in this case being dismissed with prejudice. (Doc. 1, p. 11). The order also notified Plaintiff that she may incur a “strike” within the meaning of 28 U.S.C. § 1915(g) if she failed to file an amended complaint. *Id.*

The April 14, 2017, deadline has come and gone, and the Court has not received an amended complaint or any other filing from Plaintiff. This action is therefore subject to dismissal. However, because of an ambiguity in the Court’s docket regarding the mailing of the March 20, 2017, order to Plaintiff, and out of an abundance of caution, Plaintiff shall be granted

a brief extension to file an amended complaint before the case is dismissed.

IT IS THEREFORE ORDERED that if Plaintiff wishes to proceed with this action, she **SHALL FILE** her First Amended Complaint within **14 days** of this order (on or before **May 17, 2017**). If no amended complaint is filed, this case **SHALL** be dismissed with prejudice, and Plaintiff **SHALL** be assessed a strike. The amended complaint must comply with the instructions included in the March 20, 2017, order (Doc. 1).

The Clerk is **DIRECTED** to mail Plaintiff a copy of the Court's March 20, 2017, order (Doc. 1) and a blank civil rights complaint form along with this order.

Plaintiff shall note that her obligation to pay the filing fee for this action was incurred at the time the case was filed, and this fee is due whether or not Plaintiff submits an amended complaint. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

IT IS SO ORDERED.

DATED: May 2, 2017

s/J. Phil Gilbert

United States District Judge