

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

**TERRY LEE PYLES,  
#34864**

**Plaintiff,**

**vs.**

**UNKNOWN PARTY,**

**Defendants.**

**Case No. 17-cv-378-JPG**

**MEMORANDUM AND ORDER**

**GILBERT, District Judge:**

Plaintiff Terry Lee Pyles, commenced this action pursuant to 42 U.S.C. § 1983 on April 12, 2017. (Doc. 1). Plaintiff’s claims arise out of his arrest and pending prosecution in Madison County, Illinois for meth manufacturing and possession of meth manufacturing material. *State of Illinois vs. Pyles*, Case No. 2017-cv-690 (trial set for September 11, 2017). The Complaint was dismissed for failure to comply with Rule 10(a) of the Federal Rules of Civil Procedure. (Doc. 11). The dismissal was without prejudice to Plaintiff filing a First Amended Complaint on or before August 23, 2017. That deadline has now passed. Plaintiff has not filed a First Amended Complaint. He also has failed to request an extension of the deadline for doing so.

As a result, this case is **DISMISSED with prejudice** for failure to comply with an order of this Court. 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 \$350.00 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 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: 9/26/2017**

**s/ J. PHIL GILBERT**  
**J. PHIL GILBERT**  
**United States District Judge**