

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

KENNARD DANIELS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 17-cv-00698-JPG
)	
VENERIO SANTOS,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

GILBERT, District Judge:

Plaintiff Kennard Daniels filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 5, 2017, for alleged violations of his constitutional rights at Lincoln and Centralia Correctional Centers. (Doc. 1). The Court screened the Complaint and severed three improperly joined claims into a separate suit on October 30, 2017. (Doc. 11). A fourth claim survived preliminary review against Dr. Venerio Santos and was allowed to proceed herein. (*Id.*).

Following entry of the Severance and Screening Order (Doc. 11), however, the Court received only a single communication from Plaintiff. On December 11, 2017, he notified the Court of his release from prison and his updated address. (Doc. 18). The Court has not heard from him since 2017.

More than a year after Plaintiff originally filed this action, the Court entered the following Order to Show Cause on July 8, 2018:

ORDER TO SHOW CAUSE: Plaintiff is ORDERED to SHOW CAUSE as to why this matter should continue given his failure to take any action since filing a notice of change of address on December 11, 2017. Show Cause Response due by **7/27/2018**. Plaintiff is WARNED that his failure to adequately respond to this order may result in the recommendation that this lawsuit be dismissed.

(Doc. 19). A copy of the Order was sent to Plaintiff at the address he provided the Court in December 2017. However, the Order was returned undelivered on July 24, 2018. (Doc. 20).

The Court will not allow this matter to linger any longer. This action shall be dismissed with prejudice based on Plaintiff's failure to comply with the Court's Order to Show Cause (Doc. 19) and his failure to prosecute his claim. *See* FED. R. CIV. P. 41(b). The dismissal will not count as one of Plaintiff's three allotted "strikes" under of 28 U.S.C. § 1915(g).

Disposition

IT IS HEREBY ORDERED that this action is **DISMISSED** with prejudice, based on Plaintiff's failure to comply with a Court Order (Doc. 19) and his failure to prosecute his claim herein. *See* FED. R. CIV. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). The dismissal does not count as a "strike" under Section 1915(g).

IT IS ALSO ORDERED that Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, regardless of subsequent developments in the case. Accordingly, 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).

The Clerk's Office is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: December 4, 2019

s/ J. Phil Gilbert
J. PHIL GILBERT
United States District Judge