

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

TERRANCE DAUGHERTY,)
R01171,)
))
Plaintiff,)
))
vs.))
))
JOHN DOE 1-5, and)
JOHN BALDWIN,)
))
Defendants.)

Case No. 17-cv-809-MJR

NOTICE OF IMPENDING DISMISSAL

REAGAN, Chief District Judge:

On July 12, 2017, Plaintiff Terrance Daugherty, an inmate in Menard Correctional Center (“Menard”), brought suit for deprivations of his constitutional rights pursuant to 42 U.S.C. § 1983 in the United States District Court for the Central District of Illinois. (Doc. 1). On July 18, 2017, pursuant to 28 U.S.C. § 1391(b), his case was transferred to the Southern District of Illinois because his claims appear to have arisen in this district. Despite a notification from the Clerk on July 31, 2017 that he would be responsible for a \$400.00¹ filing fee in this action, Plaintiff has not yet paid the fee, nor has he filed a properly supported motion for leave to proceed *in forma pauperis*. See 28 U.S.C. §§ 1914, 1915.

IT IS HEREBY ORDERED that, within **TWENTY-ONE (21) DAYS** of the date of the entry of this Order (September 12, 2017), Plaintiff shall pay the \$400 filing fee applicable to this action. In the alternative, Plaintiff may file a motion to proceed *in forma pauperis*, supported by a certified copy of his prison trust fund account statement for the six-month period immediately preceding the opening of this case and an affidavit that includes a statement of his assets.

¹ Pursuant to 28 U.S.C. § 1914, effective May 1, 2013, an additional \$50.00 administrative fee is to be assessed in all civil actions, along with a \$350 filing fee, unless pauper status is granted.

Plaintiff is **ADVISED** that in the event he has been transferred among institutions during this six-month period, it is Plaintiff's responsibility to obtain a copy of his prison trust account statement from each such facility and to forward it to the Court. Plaintiff is **FURTHER ADVISED** that his obligation to pay the filing fee for this action was incurred at the time the case was filed; such an obligation will exist whether or not Plaintiff is granted leave to proceed *in forma pauperis*. 28 U.S.C. § 1915(b)(1); *see also Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

IT IS FURTHER ORDERED that upon conclusion of this twenty-one day period, should Plaintiff fail to comply with this Order, this case will be closed 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).

IT IS SO ORDERED.

DATED: August 22, 2017

s/ MICHAEL J. REAGAN
United States Chief District Judge