

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

<b>ANTHONY T. MOORE, Jr., #446508,</b>	)	
<i>and all others similarly situated,</i>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 17-cv-01285-JPG</b>
	)	
<b>SECURUS TECHNOLOGIES, INC.,</b>	)	
<b>ST. CLAIR COUNTY, ILLINOIS,</b>	)	
<b>RICHARD WATSON, and</b>	)	
<b>AUSTIN EVERETT,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**GILBERT, District Judge:**

This case was reopened on September 26, 2018, after the Court granted a Motion for Reconsideration (Doc. 12) filed by Plaintiff Anthony Moore, Jr. (*See* Doc. 13). The underlying case was dismissed because Plaintiff failed to timely file a First Amended Complaint or request an extension of the deadline for doing so. (Docs. 10-11). Plaintiff explained that he did not receive the Order Dismissing Complaint (Doc. 9), which set the deadline to amend. The Court vacated the Order Dismissing Case (Doc. 10) and Judgment (Doc. 11) and granted Plaintiff an additional 28 days to file the First Amended Complaint. (Doc. 13). Accordingly, it was due on or before October 24, 2018. *Id.*

The deadline has, once again, expired. Plaintiff did not file a First Amended Complaint prior to the deadline, or after. He did not request an extension. In fact, the Order Reopening Case was returned to the Court undelivered, despite the Court’s clear warning that Plaintiff is “under a continuing obligation to keep the Clerk of Court and each opposing party informed of any change

in his address” and reminder that “the Court will not independently investigate his whereabouts.” (Doc. 9, pp. 8-9; Doc. 14).

The Court will not allow this matter to linger indefinitely. This action shall be dismissed with prejudice based on Plaintiff’s failure to comply with two Orders of this Court (Doc. 9, pp. 7-8; Doc. 13) and failure to prosecute his claims. *See* FED. R. CIV. P. 41(b). The dismissal will count as one of Plaintiff’s three allotted “strikes” within the meaning of § 1915(g).

### **Disposition**

**IT IS HEREBY ORDERED** that this action is **DISMISSED** with prejudice, based on Plaintiff’s failure to comply with this Court’s Order to file a First Amended Complaint on or before October 24, 2018 (Doc. 13) and to update his address (Doc. 9, pp. 7-8). *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 counts as one of his three allotted “strikes” within the meaning of § 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).

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*, 133 F.3d at 467. He must list each of the issues he intends to appeal in the notice of appeal. Moreover, if the appeal is found to be nonmeritorious, Plaintiff may also incur another “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 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: October 31, 2018**

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