

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

DANIEL HENINGER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:18-cv-594-NJR-DGW
)	
DAVID RAINS, MICHELLE NEECE, and))	
JOHN BALDWIN,)	
)	
Defendants.)	

ORDER TO SHOW CAUSE

WILKERSON, Magistrate Judge:

Now pending before the Court is the Motion to Dismiss filed by Plaintiff, Daniel Heninger, on April 6, 2018 (Doc. 15).

On March 22, 2018, Plaintiff filed a civil rights complaint, using a form, in which he alleged that he is being denied access to services and programs on account of his disability, which includes hearing loss. He sought an emergency injunction to compel the prison to provide a working set of hearing aids. No motion for injunctive relief was filed, however. Along with his complaint, Plaintiff filed a motion for recruitment of counsel (Doc. 3). That motion was denied on April 3, 2018 because Plaintiff appeared, from his pleadings, to be able to litigate this matter.

In the pending motion, Plaintiff makes contradictory statements. He states that he had no intent to file a federal lawsuit and merely wanted to “report A.D.A. claims.” He then goes on to state that he cannot litigate this lawsuit because he lacks education, is deaf, and has poor eyesight. Therefore, he has “no means or mental capacity to access your court.” It is unclear whether Plaintiff seeks to dismiss this lawsuit because he didn’t mean to file it or whether he seeks reconsideration of the order denying recruitment of counsel. Clarification is required.

Therefore, Plaintiff is **ORDERED TO SHOW CAUSE** and inform the Court whether (1) he intends to dismiss this lawsuit; or (2) he is seeking reconsideration of this Court's Order denying recruitment of counsel. Plaintiff is **WARNED** that if he indicates that he wants to dismiss this lawsuit, it may be dismissed with prejudice. In addition, he will still be required to pay the filing fee that was imposed on March 27, 2018 and that it will be deducted from his prison trust fund account. Plaintiff shall file a written response to this Order by **September 28, 2018**. **Failure to do so may also result in dismissal of this lawsuit.**

DATED: September 7, 2018

The image shows a handwritten signature in blue ink that reads "Donald G. Wilkerson". The signature is written over a circular seal. The seal features an eagle with wings spread, perched on a shield with a red and white striped field and a blue chief with stars. The text around the seal reads "UNITED STATES DISTRICT COURT" at the top and "SOUTHERN DISTRICT OF ILLINOIS" at the bottom.

DONALD G. WILKERSON
United States Magistrate Judge