

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

CHRISTOPHER W. ODEN,)
RANDALL PETERSON,)
TIMOTHY LOGHRY, SR.,)
JASON SMITH,)
EARNEST HALL,)
CRAIG ARMSTRONG,)
BRAD MONKMAN,)
BENJAMIN WINTERS,)
JEFFERY BROTHERS,)
OLLIE BROWN,)
SHANE ELDER,)
RANDALL CAUSEY,)
DAVID HARPER,)
DAVID HOFFARTH,)
MATTHEW SISNEROS,)
MARTIN VAN DEURZEN,)
JAMES SAY,)
CORY CUNNINGHAM,)
JOHN PELTZ,)
ADAM TURNER, and)
MARTIN JONASSEN)

Case No. 18-cv-600-MJR

Plaintiffs,

vs.

WILLIAM B. TRUE,)
DONALD S. BOYCE,)
JEFF SESSIONS, and)
MARK INCH,)

Defendants.)

MEMORANDUM AND ORDER

REAGAN, Chief District Judge:

This matter is, once again, before the Court for case management. The action was originally filed on March 23, 2018 by multiple individuals incarcerated at the United States Penitentiary in Marion, Illinois (“Marion”). (Doc. 1). The Court entered a preliminary order in

this matter on March 29, 2018. (Doc. 5). In it, each plaintiff, aside from the lead plaintiff Christopher Oden, was ordered to submit to the Court a signed complaint along with a properly completed motion to proceed *in forma pauperis* (“IFP”) or the filing fee for this case no later than April 30, 2018, in order to proceed as a plaintiff in this case. *Id.* Twenty-one plaintiffs were dismissed from this action on May 24, 2018 pursuant to the Court’s Order at Doc. 5. (Doc. 72). After requesting to be dismissed from this action, three more plaintiffs were dismissed on June 15, 2018 and July 31, 2018. (Docs. 81, 106).

On June 22, 2018, multiple plaintiffs who failed to provide the necessary prisoner trust fund account information along with their motions to proceed *in forma pauperis* were directed to do so by August 6, 2018. (Doc. 83). These plaintiffs were warned in this Court’s Order at Doc. 5 that failure to submit a properly completed IFP Motion, including a certified trust fund statement, would result in their dismissal from this action for want of prosecution and/or for failure to comply with a court order under Federal Rule of Civil Procedure 41(b). (Doc. 5, pp. 7-8). Plaintiffs **Jason Smith, Earnest Hall, Craig Armstrong, Benjamin Winters, Ollie Brown, Shane Elder, Randall Causey, David Harper, Matthew Sisneros, Martin Van Deurzen, and John Peltz** failed to submit a properly completed prisoner trust fund statement pursuant to this Court’s Orders at Docs. 5 and 83 by the August 6, 2018 deadline. *See* (Docs. 118-128). For this reason, these plaintiffs will be dismissed without prejudice from this action for want of prosecution and/or for failure to comply with a court order. FED. R. CIV. P. 41(b).

Pending Motions

Plaintiffs filed a Motion to Certify Class (Doc. 14) and a Motion for Leave to Proceed Writ of Praecipe and Motion for Appointment of Counsel (Doc. 15) in this action. These motions will be addressed in a separate order of this Court.

Plaintiffs' Motions for Status (Docs. 91, 112) are **DENIED** as moot, as this Order provides the status of this case.

Plaintiff's Jonassen's Motions to Join the Group/Pending Motions in this Case and for Copies of Documents 14, 15, and 84 (Docs. 74, 84, 109) are **GRANTED** in part and **DENIED** in part. To the extent Jonassen seeks to join the pending Motions at Docs. 14 and 15, his request is **GRANTED**. To the extent he seeks copies of Docs. 14, 15, and 84, his request is **DENIED**. The District Clerk will mail paper copies of any document to a party only upon prepayment of the required fee. According to 28 U.S.C. § 1914(b), "[t]he clerk shall collect from the parties such additional fees only as are prescribed by the Judicial Conference of the United States." The Judicial Conference Schedule of Fees section (4) provides that a fee of \$.50 per page shall apply for reproducing any record or paper.

Plaintiff Oden's Motion for Memorandum (Doc. 82) is **DENIED**. In the Motion (Doc. 82), Plaintiff Oden requests that this court send a memorandum to his case manager indicating that he has an active case with each of the plaintiffs in this action, so that he will be allowed to communicate with them. The Court will not communicate with a non-party on Plaintiff's behalf. Plaintiff may consider showing his case manager this Order, where the plaintiffs are listed.

Plaintiff Jonassen has also filed a Motion for Evidentiary Hearing/Notice of Further Allegations Linking Plaintiffs Personally to Specific Harm and Damages (Doc. 111), which is hereby **STRICKEN**. In his Motion (Doc. 111), Jonassen seeks to add allegations against the defendants, requests an evidentiary hearing, and requests the joinder of the United States as a defendant in this action. Jonassen is the only Plaintiff to have signed the Motion, however, and the Court warned the plaintiffs that filings on behalf of the group would be stricken because each plaintiff must sign documents for himself. (Doc. 5, p. 5). A non-attorney cannot file or sign

papers for another litigant. Fed. R. Civ. P. 11; *Lewis v. Lenc-Smith Mfg. Co.*, 784 F.2d 829, 831 (7th Cir. 1986).

Disposition

IT IS HEREBY ORDERED that plaintiffs **JASON SMITH, EARNEST HALL, CRAIG ARMSTRONG, BENJAMIN WINTERS, OLLIE BROWN, SHANE ELDER, RANDALL CAUSEY, DAVID HARPER, MATTHEW SISNEROS, MARTIN VAN DEURZEN, and JOHN PELTZ** are **TERMINATED** as plaintiffs in this action. Their claims are **DISMISSED** without prejudice pursuant to this Court's Orders at Doc. 5 and 83. This dismissal shall not count as a "strike" under 28 U.S.C. § 1915(g), but these plaintiffs are obligated to pay the filing fee for this action.

IT IS FURTHER ORDERED that **CHRISTOPHER ODEN, RANDALL PETERSON, TIMOTHY LOGHRY, SR., JEFFERY BROTHERS, BRAD MONKMAN, DAVID HOFFARTH, JAMES SAY, CORY CUNNINGHAM, ADAM TURNER, and MARTIN JONASSEN** will remain as plaintiffs in this action for the time being.

Plaintiffs are **ADVISED** that the Complaint is currently awaiting preliminary review by the Court pursuant to 28 U.S.C. § 1915A, and it has not yet been served on the defendants. When this review is completed, a copy of the Court's order will be forwarded to each plaintiff who remains in the action.

The remaining plaintiffs are also **ADVISED** that they are under a continuing obligation to keep the Clerk of Court and each opposing party informed of any change in their address; the Court will not independently investigate their whereabouts. This shall be done in writing and not later than **7 days** after a transfer or other change in address occurs. Failure to comply with this order will cause a delay in the transmission of court documents and may result in their dismissal

from this action for want of prosecution. *See* FED. R. CIV. P. 41(b).

IT IS SO ORDERED.

DATED: September 5, 2018

s/ MICHAEL J. REAGAN
United States Chief District Judge