

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

JAIME CASTELLANOS,)	
)	
)	
Plaintiff,)	
)	
vs.)	Case No. 18-cv-1024-SMY
)	
JOHN E. RAMAGE, CHEEKS, and SHIELDS,)	
)	
)	
Defendants.)	

MEMORANDUM AND ORDER

YANDLE, District Judge:

On April 27, 2018, Plaintiff filed a Complaint (Doc. 1) pursuant to 42 U.S.C. § 1983, asserting claims against Defendants for violations of his First and Fourteenth Amendment rights. The Complaint did not survive threshold review under 28 U.S.C. § 1915A, and the Court dismissed the original Complaint on June 22, 2018 (Doc. 7). However, as the dismissal was for failure to state a claim as to Count 3, the Court gave Plaintiff an opportunity to amend his Complaint and directed him to do so on or before July 20, 2018 (Doc. 8, p. 5). The deadline to file an amended complaint has now passed. Plaintiff has not filed an amended complaint, nor has he requested an extension of the deadline for doing so.

Accordingly, this case is **DISMISSED**; Count 3 is **DISMISSED with prejudice** for failure to state a claim upon which relief may be granted and 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). **Counts 1 and 2 remain dismissed without prejudice.** Plaintiff may file another lawsuit raising those claims should he eliminate

the obstacle posed by *Heck v. Humphrey*. This dismissal shall not count as one of Plaintiff's three allotted "strikes" within the meaning of 28 U.S.C. § 1915(g).

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 v. Jockish*, 133 F.3d 464, 467 (7th Cir. 1998). If the appeal is found to be non-meritorious, Plaintiff may also incur a "strike." A timely motion filed pursuant to Federal Rule of Civil Procedure 59(e) may toll the 30-day appeal deadline.¹ FED. R. APP. 4(a)(4).

The Clerk of Court is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: August 1, 2018

s/ STACIM. YANDLE
United States District Judge

¹ A Rule 59(e) motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment. FED. R. CIV. P. 59(e).