

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

<b>FRANK DEAN ATHERTON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 18-CV-1177-SMY-GCS</b>
	)	
<b>JOHN BALDWIN, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**YANDLE, District Judge:**

Pending before the Court are Plaintiff Frank Dean Atherton's Motions for Extension of Time to Complete Settlement (Docs. 83 and 84), which are both **DENIED**. The parties reached an agreement to settle this case on February 21, 2019 (Doc. 70). On February 25, 2019, the Court entered an Order giving the parties 120 days to consummate the settlement. On March 21, 2019, counsel was appointed to represent Atherton with respect to the settlement. (Doc. 73).

Over 6 months have passed and the settlement remains pending. This is a straightforward prisoner rights case, and as such, is capable of being resolved by the timely execution of an uncomplicated settlement agreement. However, it appears that Atherton is attempting to interject new claims into this lawsuit as demonstrated by his "Affidavit" filed on May 1, 2019 (Doc. 81). This litigation involves claims of interference with legal and non-legal mail from November 2017 to early 2018. The Affidavit, *filed pro se*, concerns claims related to Atherton's religion and retaliation which are unrelated to the claims asserted in this action, and is therefore **STRICKEN**.

As of the date Atherton filed his second motion for extension of time, there is no indication of how close the parties are to finalizing the settlement terms. While the Court is mindful that Atherton's incarceration hampers communication, no good cause for this delay has been shown.

Accordingly, consistent with the Court's authority and obligation to manage its docket, this case is set for a Final Pretrial Conference on October 23, 2019 at 9:30 a.m. and jury trial on November 12, 2019 at 9:00 a.m. in Benton, Illinois before the undersigned judge. Should the parties finalize settlement prior to the Final Pretrial Conference date, they may file an appropriate motion or stipulation to dismiss the case.

**IT IS SO ORDERED.**

**DATED: October 9, 2019**

The image shows a handwritten signature in black ink that reads "Staci M. Yandle". The signature is written over a circular official seal. The seal features an eagle with a shield, holding an olive branch and arrows, with a constellation of stars above its head. The text "UNITED STATES DISTRICT COURT" is arched across the top of the seal, and "SOUTHERN DISTRICT OF ILLINOIS" is arched across the bottom.

**STACI M. YANDLE**  
**United States District Judge**