

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DAVID THOMAS,

Plaintiff,

v.

JANE/JOHN DOES 1, 2, 3, and 5,

Defendants.

Case No. 15-CV-633-JPS

ORDER

On December 2, 2016, the Court granted summary judgment to Defendants Christopher Schmaling, Dr. Ortiz, and Correctional Healthcare Companies (“CHC”). (Docket #90). The Court did not dismiss the action as a whole, however, because four Doe Defendants remained. *See id.* at 22–25. Despite Plaintiff’s failure to identify the Doe Defendants within the time permitted for discovery, the Court granted him one final opportunity to identify them in an amended complaint.¹ Thomas’ amended complaint was due to be filed on or before December 16, 2016. *Id.* at 25. To date, no such pleading has been filed. Accordingly, consistent with the Court’s repeated warnings, the Court will dismiss Thomas’ claims against the Doe Defendants without prejudice for failure to prosecute the same. *See* Civil L. R. 41(c); *Fischer v. Cingular Wireless, LLC*, 446 F.3d 663, 665 (7th Cir. 2006).

¹In a declaration requested by the Court, counsel for CHC avers that he provided Thomas with Thomas’ complete medical file from the Racine County Jail. (Docket #92). Counsel also endeavored, unsuccessfully, to provide Thomas with CHC employee work schedules for the relevant period in order to facilitate identification of the Does. *Id.* Counsel’s submission confirms what the Court all along suspected—that Thomas has had in his possession the documents and information needed to determine the identities of the Does (or determine that they could not be identified). Thomas has simply failed to amend his pleadings in conformity with the discovery materials he has been provided.

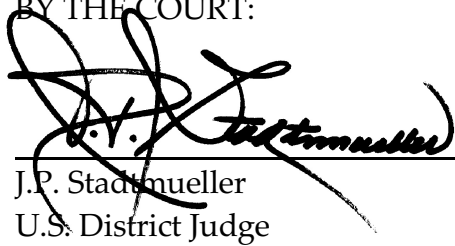
Accordingly,

IT IS ORDERED that Plaintiff's claims against Defendants Jane/John Doe 1, 2, 3, and 5 be and the same are hereby **DISMISSED without prejudice** for Plaintiff's failure to prosecute.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 27th day of December, 2016.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge