

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ROBERTO POINDEXTER,

Plaintiff,

v.

LETISIA ESTRADA,

Defendant.

OPINION and ORDER

24-cv-75-jdp

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Plaintiff Roberto Poindexter, proceeding without counsel, alleged that medical staff at the Dane County Jail deprived him of care for his back problems. Dkt. 1. I dismissed Poindexter's complaint for failure to state a claim upon which relief may be granted. Dkt. 6. I gave Poindexter until May 10, 2024, to amend the complaint to fix that problem, and I cautioned him that I would dismiss the case if he failed to comply with that order. Poindexter didn't file an amended complaint. Nor did Poindexter seek an extension of time to file an amended complaint or otherwise try to explain his failure to comply with my order. I will dismiss the complaint for failure to state a claim upon which relief may be granted for the reasons in my order, and I will direct the clerk to record a strike against Poindexter under 28 U.S.C. § 1915(g). *See Paul v. Marberry*, 658 F.3d 702, 705 (7th Cir. 2011) (“[W]hen . . . the plaintiff is told to amend his . . . complaint and fails to do so, the proper ground of dismissal is not want of prosecution but failure to state a claim, one of the grounds in section 1915(g) for calling a strike against a prisoner plaintiff.”).

ORDER

IT IS ORDERED that:

1. Plaintiff Roberto Poindexter's complaint, Dkt. 1, DISMISSED with prejudice for failure to state a claim upon which relief may be granted.
2. The clerk is directed to record a strike against plaintiff under 28 U.S.C. § 1915(g).
3. The clerk is directed to enter judgment and send plaintiff copies of this order and the judgment.

Entered June 3, 2024.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge